OF THE

Parliamentary Proceed

Against the Late

KING JAMES I

PROVING

That the Right of Succession
Government (by Nearness of Blood
not by the Law of God or Nature, but
Politick Institution.

WITH

Several Instances of Deposing Evil Princes
Shewing, That no Prince hath any Title
but by the Consent of the People.

Ad generum Cereris, sine cæde aut sanguine pauci
Descendunt Reges; & sicca morte Tyranni.

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VINDICATION

Parliamentary Proceedings

KING JAMES II.

THE PREFACE TO THE READER.

I *Should not think it necessary to prefix a* Preface *before this small Treatise, especially since it handles only Matters of Fact, such as the Judicial Acts of* Commonwealths, *did I not suspect, that some Malicious Persons, whose Inclinations and Opinions are hereby thwarted, would brand it with the Name of* Seditious *and* Antimonarchical; *therefore I shall here enter my Protestation against such malicious Aspersions, by declaring, That nothing herein mentioned has the least design to lessen the Duty and Obedience of Subjects toward their Princes. And I do sincerely abhor the Principles of those Men, who make so little account of their Duty, that upon the least private Disgust or Discontent, do invent a thousand Calumnies to the discredit of their Prince, without Conscience*

or Reason, intending only the revenge of private Injuries, and not the publick Good, as they would plausibly insinuate.

These men I take to be such as the Apostles S. Peter *and* S. Jude *spake of, when they said,* God knoweth how to reserve the Wicked unto the day of Judgment, to be there tormented; *but yet much more those which do contemn Domination or Government, and are bold and liking of themselves. Nay further, I am of Opinion, That whatsoever a Princes Title be, if once he is setled in the Crown, and admitted by the Commonwealth, every man is bound to settle his Conscience to obey him in whatsoever he lawfully Commands, without examination of his Title or Interest; For God disposes of Kingdoms, and brings many things to pass in the Affairs of Princes, by great and extraordinary means; so that if we should examine the Titles at this day of all the Princes in Christendom, by the ordinary Rule of private Mens Rights, Successions, or Tenures, we should find so many knots and difficulties with which they are perplext, that it would be impossible to reconcile them.*

And this is my Opinion for true and quiet Obedience; and yet on the other side, I am as far off from the abject and wicked Flatteries of such as affirm Princes to be subject to no Law or Limitation, either in Authority, Government, or Succession; as tho by Nature they had been created Kings from the beginning of the World; or as tho the Commonwealth had been made for them, and not they for the Commonwealth; or as tho they had begotten or purchased, or given life to the Publick, and not that the Publick had exalted them, or given them their Authority, Honours and Dignity.

These,

These, and such like, are the absurd Paradoxes which some Men have writ in flattery of Princes, who in my Opinion deserve no Commendation or Reward, since such Assertions destroy all Law, Reason, Conscience and Commonwealths; and do bring all to such an absolute Tyranny as no Realm ever did, or could suffer, no not under the Dominion of the Turk *himself at this day, where some proportion of Equity is held between the Prince and People, both in Government and Succession, thô nothing near so much as in Christian Kingdoms.*

It is therefore the intent of the ensuing Treatise to evince, that our Predecessors have not been such Slaves to their Kings, as some men would perswade us; and that the Deposition of King James, *(granting it to be so, and waving the advantage of the* Abdication *) is no new and unheard of thing; as we hope to make appear beyond all doubt or exception. For if we can prove, that most Christian Commonwealths have (upon just and reasonable Causes, and to prevent Tyranny and Oppression) excluded Princes from Reigning, when their Title by Succession was apparent; and also Deposed Evil Princes, when they had lawful possession of the Crown. If Commonwealths (I say) have in all former Ages exerted this ample and transcendent Jurisdiction, what Reason imaginable is there why they should not do so still; and save themselves from Publick ruin and desolation, by resisting and removing their evil Heads, whensoever they are able so to do; since God hath wonderfully concurred (for the most part) with such Judicial Acts of the Commonwealths against their Evil Kings, not only in prospering the same, but by giving them also some notable Successor in place*

of

of the Deposed, thereby hath to justifie the Fact, and remedy the Fault of the Predecessor; as is evident by the following Examples, and also by this last of our own Country, where in place of a King, that endeavored nothing so much as the utter subversion of our ancient and fundamental Laws and Liberties, the extirpation of our Religion, and the subjecting us to the unsufferable Yoke of the See of Rome, *our Old and Capital Enemies: Instead of such a King (I say) it has pleased God to bless us with one (as it were in token of his approbation of our late Proceedings) who designs nothing but the universal Interest and Welfare of the Nation, as is apparent, since in six Months he has confirm'd and establish'd those Laws and Constitutions, which his Predecessors have been 60 years undermining; who instead of suspending Laws, has only suspended his Negative Voice.*

And we may send the same Message to the late King James, *which the States of* France *sent unto* Charles *of* Lorain, *after their Election of* Hugh Capet, *and his Exclusion, which* Gerard *the French Historian records in these Words:* Every Man knows (Lord *James*,) that the Crown and Realm of *England* and *Scotland* belong'd unto you, according to the ordinary Law of Succession; but yet the very same Laws which gave unto you this Right of Dominion, have judg'd you also unworthy of the same, being you have not endeavour'd to frame your Life, and govern your People according to the prescript of those Laws, not according to the use and custom of your Country of *England*; but rather have allyed your self with the French Nation, our old and inve-

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terate.

terate Enemies, and acquainted your self with their vile and base Manners. Wherefore seeing you have forsaken and abandon'd the ancient Interest of *England*, we have also abandon'd and left you, and have chosen the Prince of *Orange* for our King, and this without any scruple or prejudice of our Consciences at all, esteeming it far better and more just to live under *WILLIAM* the present possessour of the Crown, with enjoyment of our ancient Laws, Customs, Priviledges and Liberties, than under you the Inheritour by Propinquity of Blood, in Oppression, strange Customs, and Cruelty.

This is the Speech made by Command of the States *to* Charles *of* Lorain, (*the Name and few other Circumstances only varied*) *giving their Reasons why they had excluded him, which in my Opinion are very weighty ones, and such as ought to be considered by all Commonwealths before Admission of their Princes: For as those who are to make a Voyage in a Ship upon a dangerous Sea, do not so much respect, whether the Pilot who is to guide the Stern be the Owner of the Ship or not; but rather whether he's skilful, and likely to bring them safely to their desir'd Haven, or to drown them amongst the Waves: Even so our principal Care ought to be, that we have a good Prince to lead and guide us happily in this way of Civil and Politick Life, which is the end why Princes and Governours were appointed.*

It was a wise Saying of the Emperour Valentinian, *viz.* Digna vox est Majestate regnantis, legibus se alligatum fateri; *It is a Speech worthy of the Majesty of him that Reigns, to confess himself bound unto the Laws. And the contrary Saying of the Tyrant* Caius

Caius Caligula *is justly detested by all Men, who said unto one (as* Suetonius *reports)* Memento mihi omnia, & in omnes licere; *Remember that all things are lawful unto me, and against all men without exception.*

Such a King as this is to be resisted in all his Illegal Commands, as much as the former (Ruling by Law and Equity) ought with all due submission to be obey'd. And this is sincerely my meaning, in writing the ensuing Treatise; so that by giving this Caution, I hope it will not be perverted to any other sense.

A BRIEF VINDICATION OF THE Parliamentary Proceedings AGAINST The Late King JAMES the Second.

IT is certainly obvious to the meaneſt Capacity, how various and different mens Sentiments are concerning this great and happy Revolution; they who have been ſo injurious to their Country, as to aſſiſt and further the pernicious Deſigns of the late King, cannot but exclaim againſt thoſe who have ſo timely fruſtrated their arbitrary and damnable Devices. Others there are, who have induſtriouſly labour'd to intimate to the late Government, how ſubſervient they would be to its ends, when it would think fit to employ them as Actors in a National Tragedy. It cannot therefore be expected that any thing imaginable can be ſufficient to ſilence the Clamours of ſuch Men, whoſe Opinions are ſtill broader or narrower than their Conſciences, but always ſquaring with their Intereſts; who endeavour to deſtroy the Publick Peace, by their oppoſi-

tion to the preſent Government, as they did by their ſubmiſſion to the former.

For thô it hath been reputed as the Characteriſtick of a good Government, *Ubi quiſquis, quod vellet, ſentit, & quod ſentit, dicere licet*; yet it muſt be taken with due reſtrictions: For as it is unreaſonable and injurious to perſecute Men to the utter loſs of their lives and Fortunes, for not obeying the Commands of a Prince, which are notoriouſly repugnant to the known and approved Laws and Conſtitutions of the Nation they live in; ſo it is not convenient for any Government (thô acting by the ſoundeſt Rules of Policy, and endeavouring to the utmoſt the Publick good and welfare) to permit Incendiaries with an impetuous and unbridled Malice, to miſrepreſent their Actions to the People; who eaſily give Credit to the moſt abſurd Aſſertions, if but plauſibly inſinuated. And like Hereſies in the Church, thô built on the weakeſt Foundations, notwithſtanding the moſt ſolid Reaſons imaginable are apply'd to ſuppreſs them, often ſpread their Contagion ſo univerſally, that they threaten the Peace of the whole Community, and are very rarely ſuppreſt, till the Authors are cruſht by the weight of the Civil Power: So dangerous a thing it is (both to Church and State) to permit Men to broach Opinions publickly, which tend to alienate the Hearts of the Subjects from their Princes.

It was an uſual thing in the laſt two Reigns, either to ruine ſuch as oppoſed the Court Intriegues by formal Tryals at Law, for *Sham-plots* and *Conſpiracies*, when the Treaſonable *Words* or *Pamphlets* were for the moſt part ſo evidently true, that it was pity to puniſh the Authors. Another Project was frequently

quently practis'd, which was to buy off ſuch Men who were more than ordinary bold in canvaſing their Deſigns: A thing neceſſary to be uſed by ſuch Princes who would tranſgreſs the Legal limits which have been prefixt to prevent their Exorbitances, and have reſolv'd to acquire an abſolute and deſpotick Power; thô it be with the hazard of their own, and the Nations downfal, whoſe Deſigns only want diſcovery to be exploded.

But in this preſent Government, where we are bleſt with a King that deſigns to carry on the true Intereſt of the Nation, (which is apparent by his many large and advantageous Conceſſions to his People, ſince His Acceſſion to the Crown, having in a manner ſuſpended his Negative Voice) there is no need to practiſe the aforeſaid Stratagems; ſeeing he will have as well the Natural, as the Political Strength of the Kingdom, and may ſafely bring ſuch Male-Contents to condign Puniſhment. For thoſe Men that either Loſt any thing, or expected to gain any thing by the former Government, will in no wiſe be ſatisfied without having a ſhare in this, which I am perſwaded the King does not intend to grant.

So that I direct not my Diſcourſe to any of the fore-mentioned Men, knowing they will be againſt Reaſon, as often as Reaſon is againſt them: But there are another ſort of Men who highly approve of our Deliverance; but not of the Methods by which it was accompliſh'd. Which is implicitly, thô not in direct Terms, to deſire Effects without their Cauſes; for the *Gordian* Knot is to be Cut, not untyed.

Now it is expedient to ſatisfie theſe Men, becauſe they are numerous, and alſo becauſe their Diſguſt ſprings from Conſcience or Inadvertency, and not from Prejudice.

Firſt then it is obſervable, that many were for making Terms with the late King, and bringing him to a temper more ſuitable and agreeable to our Laws and Conſtitutions. This would have been an admirable Project, if we could have obliged our preſent King to return from whence he came, and be always in a readineſs with a ſufficient Fleet and Army to come and aſſiſt us, when the late King ſhould again invade our Properties. Nay, this would not ſerve our turn, unleſs we could entreat the *French* King to lie ſtill with his Fleet, and not obſtruct our *Second Deliverance*. And herein conſiſts the weakneſs of this Invention, being it requires little leſs than *Impoſſibilities* to ſuſtain it.

Now one would think, that we above all other People, had ſufficiently experienc'd how uncapable the moſt exquiſite Laws are to defend us from the encroachments of a Prince, whoſe Inclinations perſwade their violation, and are abſolutely inconſiſtent with his Religion: So that if we conſider, how all the Laws were enacted againſt *Papiſts* that could be devis'd or thought neceſſary, were with the greateſt eaſe imaginable eluded and rendred uſeleſs; 'twill be natural to conclude, That the Means we have uſed were the only effectual ones for our Peace and Happineſs, and that one *Reſtauration* is enough in an Age.

Now

Now there are ſome ſuperficial Objections made againſt the Depoſition of the late King, *viz. That many Kings have been privately Aſſaſſinated; but that we hear of none who have been publickly Depoſed by the Juriſdiction of a National Council or Aſſembly, without the Limits of our own Kingdom.*

In Anſwer to which I ſhall endeavour to make it appear, That it hath been the practice of all Nations, and at all times, to aſſert their Juriſdiction (as we have done) by the Depoſition of Evil Princes, whenever they had the means to effect it. And we may ſafely bid any of our Neighbouring Kingdoms, who have not been in our Circumſtances, to caſt the firſt Stone at us.

Now, as previous to our main deſign, we ſhall lay down this Poſition, (and ſhew our Reaſons for it) *That as Government and Authority in general is from God; ſo the particular Forms and Magiſtrates are left to the Election of the People*; that is, Whether they'l have *Democracy*, which is Popular Government, by the People it ſelf, as *Athens, Thebes*, and many other Cities of *Greece* had in old times; or as the *Cantons* or *Switzers* at this day have; or elſe *Ariſtocracy*, which is the Government of ſome certain Choſen number of the beſt; as the *Romans* many years were govern'd by *Conſuls* and *Senators*, which the States of *Holland* imitate at this day: Or elſe *Monarchy*, which is the Regiment of one, and this of an *Emperour, King, Duke, Earl*, or the like. Theſe particular Forms (I ſay) are not determin'd by God or Nature, as Government in general is; for then they ſhould be all one in all Nations, as the other is, ſeeing God and Nature are one to all; but it is left to every Nation and Country

Country to chuſe that Form of Government which they ſhall like beſt, which *Ariſtotle* proveth throughout all the ſecond and fourth Books of his *Politicks* very largely; laying down divers kinds of Governments in his days, as in *Greece*, that of the *Mileſians*, *Lacedemonians*, *Candians*, and others, and ſheweth the Cauſes of their difference, which he attributes to the diverſity of Mens Natures, Cuſtoms, Educations, and other ſuch Cauſes, that inclined them to make Choice of ſuch or ſuch Forms.

And this might be proved alſo by infinite other Examples, both of Time paſt and preſent, and in all Nations and Countries, which have not had only different Forms of Government the one from the other; but even among themſelves, at one time one Form, and another at other times. For the *Romans* firſt had *Kings*, and after rejecting them for their Evil Government, they choſe *Conſuls*, which were two Governours for every Year, whoſe Authority they limited by a multitude of *Senators*, which were of their Council; and theſe mens Power was reſtrained alſo by adding *Tribunes* of the People; and ſometimes *Dictators*, and finally they came to be governed laſt of all by *Emperours*. The like may be ſaid of *Carthage* in *Africa*, and many Cities and Commonwealths of *Greece*, which in divers Seaſons, and upon divers Cauſes, have taken different Forms of Government to themſelves.

The like we ſee in *Europe* at this Day; *Naples* hath a *King* for its Sovereign; *Rome*, the *Pope*; *Venice* and *Genoua* have *Senators* and *Dukes*, but their *Dukes* have little Authority. *Florence*, *Mantua*, *Parma*, *Urbin* and *Savoy* have their *Dukes* only, without

without *Senatours*, and their Power is Absolute. *Milan* was once a Kingdom, but now a Dukedom. *Burgundy* and *Lorain* had once *Kings*, and after *Dukes*, and now *Kings* again. *Bohemia* and *Polonia* were formerly Dukedoms, and now are Kingdoms.

The like may be said of *France*, after the expulsion of the *Romans*, which was first a Monarchy, under *Pharamond* their first King, and so continued for many years under *Clodion*, *Merovis*, *Childerik* and *Clodovæus* their first Christian Kings; but after it was divided into four Kingdoms, one of *Paris*, another of *Soissons*, the third of *Orleance*, and the fourth of *Metz*; and so it continued for many years; but afterwards it was one Monarchy again. *England* also was first a Monarchy under the *Britains*, and then a Province under the *Romans*, and after an Heptarchy under the *Saxons*, and now a Monarchy again under the *English*.

And all this by Gods permission and approbation, who in token thereof, suffered his own Peculiar People of *Israel* to be under divers manners of Government in divers Times; as first under Patriarchs *Abraham*, *Isaac* and *Jacob*; then under Captains, as *Moses*, *Joshua*, and the like; then under Judges, as *Othniel*, *Ehud* and *Gideon*; then under High-Priests, as *Ely* and *Samuel*; then under Kings, as *Saul*, *David*, and the rest; and then under Captains and High-Priests again, as *Zorobabel*, *Judas Machabeus*, and his Brethren, until the Government was taken from them, and they brought under the Power of the *Romans*.

Wherefore

Wherefore there can be no doubt, but that the Commonwealth hath power to chuſe their own Form of Government, as alſo to change the ſame upon reaſonable Cauſes, as we ſhall make appear they have done in all Times and Countries; and God no doubt approveth what the Realm determineth in this Point, for otherwiſe nothing could be certain; for on theſe Changes depend the Titles of all Princes and Potentates from the foundation of the World; and if they ſhould not be juſtifiable, we muſt condemn as Illegal the Acts and Juriſdiction of almoſt all the Princes and Governours that ever have Reign'd, which were great raſhneſs and folly to do.

In like manner it is evident, That as the Commonwealth hath Authority to chuſe and change her Government, ſo hath ſhe alſo to limit the ſame with what Laws and Conditions ſhe pleaſeth; from whence enſueth the diverſity of Power which each of the former Governments had; as the Dukes of *Venice* at this day are for their Lives, (except in certain Caſes, wherein they may be Depoſed;) and thoſe of *Genoua* only for two years, and their Power is very ſmall and much limited, and their Heirs have no Claim or Pretence at all after them to that Dignity, as the Children and next of Kin of other Dukes of *Italy* have, thô in different ſort alſo: For that the Dukedoms of *Urbin* and *Parma* are limited only to the Heirs Males, and for defect thereof, to return to the Pope or See of *Rome*. *Florence* and *Mantua* are to return to the Empire for like defects, and not to paſs to the Heirs Female, or next of Kin, as *Savoy* and others do.

And

And now if we reſpect God and Nature, as well might all theſe Governments follow one Law, as ſo different; for that neither God nor Nature preſcribeth any of theſe particular Forms, but concurreth with that the Commonwealth appointeth; and ſo it is to be believ'd, That God concur'd as well with *Italy*, when it had but one Prince, as now when it hath ſo many; and the like alſo with *Switzerland*, which once was one Commonwealth under Dukes and Marqueſſes of *Auſtria*, and now are divided into Thirteen *Cantons*, under Popular Magiſtrates of their own; and its certain, that God approves of our moſt Gracious Prince King *WILLIAM*, ſince his Election by the People, as he did of the former Princes, while the Commonwealth were contented with them: ſo as when Men talk of a Natural Prince, or Natural Succeſſor (as many times I have heard the Word us'd if it be underſtood of one that is Born in the ſame Realm or Country, and ſo of our own Natural Blood, it hath ſome Senſe, thô he may be good or bad, and none have been worſe or more cruel many times than Home-born Princes:) but if it be meant, as thô any Prince had his particular Government or Intereſt to ſucceed by Inſtitution of God or Nature, its ridiculous, for that God or Nature giveth it not, as hath been declared; but the particular Conſtitution of every Commonwealth within it ſelf.

Now the Government of every Prince is to be reſpected according to the benefit that redounds to the Subject, for whoſe good it was ordain'd; and when the Subjects live well and proſperouſly, are defended and maintained in Peace, Safety and Wealth; when Juſtice is done equally to all Men,

the Wicked punished, and the Good rewarded; when true Religion is maintain'd, and Vertue promoted; this is that which importeth the Realm and Subjects, and not where, or in what Country the Prince or his Officers were Born, or of what Nation, Language, or Kindred they be; for that as soon as he is placed in that Dignity, he becometh a Stranger to me, and it availeth me little whether he be of my Blood and Country, or not. And I may say, as the People of *Israel* said to *Rehoboam*, who being King *Davids* Grand-Son, and of the House of *Jesse*, thought his State assured, and so might oppress the People at his pleasure; *Quæ nobis pars in* David, *vel quæ hæreditas in filio* Jesse? and so they left him, and chose to be under *Jeroboam* a Stranger.

For what availed it them that lived in *Spain* under *Peter* the Cruel; or in *England*, under *Richard* the Third, commonly call'd the Tyrant; what did it import them, that those Princes were of their own Country or Blood, seeing they did that to them, which a Stranger (thô never so barbarous or cruel) would scarce have done? As in like manner, What did it import those Noble Families of the *De la Pools*, *Staffords*, *Plantagenets*, and others, destroy'd by *Henry* the Eighth? What avail'd it to them, that the said King was not only their Country-man, but their near Kinsman? What profit or commodity was it to *Thomas* of *Woodstock*, Duke of *Glouceſter*, that he lived under King *Richard* the Second, who was his Nephew, or to *George* Duke of *Clarence*, that King *Edward* the Fourth was his Brother; when both were disgrac'd and put to death by them, and lost

their

their Lands and Dignities, which perhaps under a ſtrange Prince they might have enjoyed many years? And laſtly, What availeth it to *Scotland* or *England*, that the late King *James* was deſcended of them, and born with us, or to the preſent Queen, that he was her Father, when he endeavour'd utterly to deſtroy the Peace and Tranquility of thoſe Nations, and unnaturally to exclude his Royal Daughter from the Inheritance of theſe Three Kingdoms, to ſet up a ſuſpected Child, to finiſh the Game which he had begun; ſo as we may ſay (as before) *What part have we in* James, *or what Inheritance in the Son of the* Martyr?

And ſo much for this firſt Point, which is the ground of all the reſt I have to ſay.

Now ſince we have (as I take it) fully prov'd, That no King or Governour hath his Intereſt from God or Natute, but from the particular Inſtitutions of the Commonwealth; I ſhall proceed to evince both by Reaſon and Example, that they have Laws and Rules preſcribed by the ſaid Commonwealths, by which they are bound to Rule and Govern their People.

Now I do really believe, that of all other Governments *Monarchy* is the beſt, and leaſt ſubject to the Inconveniences that others are, and that *Popular Governments* are the worſt, and have ſooneſt come to ruine; as may be ſhewed not only by old Examples of *Greece*, *Aſia* and *Africa*, but alſo many Cities in *Italy*, as *Florence*, *Bolonia*, *Siena*, *Piſa*, *Arezzo*, *Spoleto*, *Perugia*, *Padua*, and others, which upon the fall or diminution of the *Roman* Empire (under which they were before) took unto themſelves

ſelves Popular Governments, wherein they were toſſed with continual Seditions, Mutinies, and banding of Factions, and could have no end of their Miſeries, until after infinite Murthers and Maſſacres, they came in the end under the Monarchy of one Prince, as at this day they remain. So where the Government of *Ariſtocracy* took place, there were perpetual Diviſions among the Senators; as in *Carthage*, which was the Reaſon that Succours were not ſent to their Captain *Hannibal* in *Italy*, after his ſo great and important Victory at *Canna*, being the preſervation of the *Roman* Empire, and the loſs of their own. As alſo afterwards, the Emulation and Diſunion of the *Roman* Senators among themſelves in the Contentions of *Marius* and *Silla*, and of *Pompey* and *Cæſar*, was the occaſion of all their Deſtruction, and of the Commonwealth with them.

Now if the Prince who governeth alone, and hath Supreme Authority to himſelf, as he reſembles God in this point of ſole Command; ſo could he reſemble him alſo in wiſe, diſcreet and juſt Government, and in Ruling without Paſſion; Nothing more excellent in the World could be deſired for the perfect Felicity of his Subjects. But becauſe a King is a Man, as others be, and therefore not only ſubject to Errors in Judgment, but alſo to paſſionate Affections in his Will; therefore it was neceſſary that the Commonwealth, as it gave him this great power over them, ſo it ſhould aſſign him the beſt Helps that might be, for directing and rectifying both his Will and Judgment, and make him as like in Government to God, whom he repreſenteth, as mans Frailty can reach unto.

For

For this Conſideration they aſſign'd to him the aſſiſtance and direction of Law; *Which* (*Ariſtotle* ſaith) *is a certain Mind diſquieted with no diſordinate Affection, as mens Minds commonly be; for that when a Law is made, for the moſt part its upon due conſideration, and without perturbation of evil Affections, as* Anger, Envy, Hatred, Raſhneſs, *or the like Paſſions; and it is referred to ſome good End and Commodity of the Commonwealth; which Law being once made, remaineth ſtill the ſame, without alteration or partial Affection, being indifferent to all, ſpeaking alike to every Man, in which it reſembles the Perfection of God himſelf.* For which cauſe the ſaid Philoſopher ſaith, *That he who joyneth a Law to govern with the Prince, joyneth God to him; but he that joyneth to the Prince his Affections, joyneth a Beaſt: So that a Prince Ruling by Law is more than a Man, or a man Deified; and a Prince Ruling by his Will, is leſs than a Man, or a man Bruti'ſied.* In another place the ſame Philoſopher ſaith, *That a Prince who leaveth Law, and Ruleth himſelf and others by his Appetite, is of all Creatures the worſt, and of all Beaſts the moſt furious and dangerous: For that nothing is ſo outragious as Injuſtice Arm'd, and no Armour is ſo ſtrong as Wit and Authority; the firſt he hath as Man, the other as a Prince.*

Ariſtot. lib. 3. cap. 12.

Ariſtot. lib. 1. cap. 2.

For this cauſe all Commonwealths have preſcribed Laws unto their Princes, whereby to govern as by a moſt excellent, certain and immutable Rule; to which ſenſe *Cicero* ſaid, *Leges ſunt inventæ, ut omnibus ſemper una, & eadem voce loquerentur.* For which reaſon they have been called by Philoſophers a *Rule* or *Square* inflexible: But the Prophet *David* (who was alſo a King) ſeemeth to call them by the Name

Lib. 2 Offic.

of

of *Diſcipline*; for that as Diſcipline keeps all the parts of a Man, or of a particular Houſe in order; ſo Law (duly adminiſtred) keeps all the Members of a Commonwealth in Peace and Plenty. And to ſhew how ſeverely God exacteth this at all Princes hands, he uſes theſe Words; *And now learn ye* Pſal. 2. *Kings, and be inſtructed ye Princes of the Earth: Serve God in fear, and rejoyce in him with trembling. Embrace the* Diſcipline, *leſt he enter into wrath, and ſo ye periſh from the way of Righteouſneſs.* Which Words being ſpoken by a Prophet and a King, contain many Points worthy of Conſideration:

As firſt, That Kings are bound to learn Law and Diſcipline: Secondly, To obſerve the ſame with great humility and fear of Gods Wrath: And, Thirdly, That if they do not, they ſhall periſh from the way of Righteouſneſs. As if the greateſt Plague imaginable to a Prince were to loſe the Way of Righteouſneſs, Law and Juſtice, in his Government, and to give himſelf over to Paſſion and his own Will, whereby he is ſure to come to Shipwreck.

From like Authority, and for like Conſideration, have come the Limitation of all Kings and Kingly Power, in all Times, and in all Countries, both touching themſelves, their Poſterity and Succeſſors. Which is apparent in the two moſt Renowned States of the World, that of the *Romans* and *Grecians*, who both began with Kings but yet with far different Laws and Reſtraints about their Authorities.

For in *Rome*, the Kings that ſucceeded *Romulus* had great Authority, but yet their Children, or next in Blood,

Blood, succeeded them not, unless chosen by the Senate and People; so as of the Three most excellent Kings that ensued immediately after *Romulus*, viz. *Numa Pompilius*, *Tullius Hostilius*, and *Tarquinus Priscus*, none of them were of the Blood Royal, nor of Kin to one another, nor yet *Romans* born; but chosen rather from amongst Strangers, for their Vertue and Valour. In *Greece*, among the *Lacedemonians*, which was the most eminent Kingdom at that time, the Succession of Children was most certain; but yet their Power was so restrain'd by the *Ephori*, as they were not only checked and chastned by them, if occasion served, but also Deprived, and sometimes put to Death. For this Cause *Aristotle* did justly mislike this eminent Jurisdiction of the *Ephori* over their Kings; but yet we see hereby what Authority the Commonwealth had in this case, and what their meaning was in making Laws, and restraining their Kings Power, *viz.* thereby the more to bind them to do Justice. *Tit. Liv. lib. 1. dec. 1.*

We may repeat a multitude of such Examples in Heathen Kingdoms, but being they may be rejected, as being no President for us, we shall haste to shew, How Christian Kingdoms have limited their Princes.

Now, if we consider the *Roman* Empire as it is at this day annexed to the *German* Electors; thô it be the first in Dignity amongst Christian Princes, yet we shall see it so restrained by particular Laws, as the Emperour cannot do so much as other Kings; for he can neither make War, nor exact any Mony but by the free leave and consent of the *German* Dyet or Parliament; and as for his Children, or next of Kin, they have no Interest or Pretence to succeed in their Fathers Dignity, but only by free Election, if

if they ſhall be thought worthy. Nay, one of the chiefeſt Points that the Emperour muſt Swear at his Entrance is, That he will never go about to make the Dignity of the Empire Peculiar or Hereditary to his Family, but leave it to the Electors (free in their power) to chuſe his Succeſſor, according to the Law made by Pope *Gregory* the Fifth, and the Emperour *Charles* the Fourth.

Leyden, lib. 8.

The Kingdom of *Polonia* is much of the ſame manner with the Empire, both for its reſtraint of Power, and ſucceſſions of its King, for they have great Limitations, being they can do nothing of great moment without the conſent of certain Principal Officers, called *Palatines* or *Caſtellans*; neither may their Children ſucceed them, unleſs they are Choſen; as in the Empire, in *Spain*, *France* and *England*, the Priviledges of Kings is much different from the former.

Cromerus, lib. 3. hiſt. *Polo.*

The Kings of *Spain* and *France* have greater Power than the Kings of *England*; for that every Ordination of theſe two Kings is Law it ſelf, without the Approbation of the Commonwealth: But in the Point of Succeſſion it appeareth, that the reſtraint is far greater in thoſe two Countreys than in *England*; for in *Spain* the next of Blood cannot ſucceed, but by a new Approbation of the Nobility and Biſhops of the Realm, as it is expreſly ſet down in the two Ancient Councils of *Toledo* the 4*th* and 5*th*. In *France* the World knows, that Women are not admitted to ſucceed in the Crown, be they never ſo near in Blood, neither any of their Iſſue, thô it be Male. For which cauſe *Edward* the Third of *England*, thô he were Son and Heir to the Daughter of *France*; whoſe three Brothers were Kings,

Kings, and left her ſole Heir to her Father *Philip* the Fourth, yet was he put by the Crown, and *Philip de Valois*, a Brothers Son of *Philip* the 4th preferr'd to it by general Conſent of the whole Parliament of *Paris*. And thô the *Salic* Law is not very ancient, as the *French* themſelves do confeſs, and much leſs made by *Pharamond* their firſt King, or in thoſe ancient Times, as ſome without ground do affirm; yet we ſee its ſufficient to bind all Princes and Subjects of that Realm to obſerve the ſame, and alter the courſe of Natural Deſcent and Nearneſs of Blood, as we have ſeen; but ſuch things are not ſuffered in *England*, for that our Laws are otherwiſe, which were made by the Commonwealth.

By all which it is manifeſt, that moſt Kingdoms have different Laws and Cuſtoms, both as to their Authority and Succeſſion; and it is not enough for a man to alledge bare propinquity of Blood, for that he may be excluded for ſeveral other Reaſons, which we ſhall hereafter diſcuſs.

I know it hath been confidently aſſerted by ſome baſe Flatterers, that in all ſucceſſive Monarchs the Heir ſhould enter by title of Birth, without condition, conſent, or approbation of the Realm; as alſo without Coronation Oath, or Obligation to fulfil any Law, or to obſerve any Priviledges of Church or State. Theſe are things which only ſerve to terrifie the People, and ſet them more againſt his Entrance, than to advance his Title.

Another of their Propoſitions is, That albeit the Heir apparent, which is next by Birth to any Crown, ſhould be never ſo impotent or unfit to govern; or if it ſhould be known, that he were moſt Malicious and Wicked, and ſhould go about to deſtroy the

Commonwealth, and drown the Ship he had to guide; yet (say they) he must be Sacred, and admitted without contradiction to his Inheritance, which God and Nature hath designed him, and his direction, restraint or punishment, must only be remitted to God alone; for that no Man or Commonwealth may reform or restrain him.

This Doctrin (one would think) should be no sooner delivered, but contemn'd by any Rational man, who regards the end why all Commonwealths and Kingdoms, and all Governments were ordained by God and Nature, and not the flattering or adoring of any one miserable Man, who shall endeavour to destroy the whole.

But to come to the particular Matter we are to treat of, which is, What is to be attributed to Succession or Propinquity of Birth alone?

First therefore, I am perswaded that Succession is much to be preferred, not for that it wanteth all all Difficulties and Inconveniences; but like as before I have shewed of the particular Government of Monarchy in respect of other Forms, *viz.* that it wanted not all, but had fewer Inconveniences than other Forms of Regiment have; so I say also of this, That tho some Inconveniences are not wanting in Succession; yet they are commonly far less and fewer, than would follow by meer Election, which is subject to great and continual danger of Ambition, Emulation, Division and Sedition, which do evidently threaten the universal destruction and desolation of the whole Body at the Death of every Prince, which Inconveniences have no place in Succession.

Secondly, The Prince who is in present possession, knowing

knowing that his Son or next of Kin is to succeed, takes care to leave the Realm in good order; as the Husbandman doth to Till and Manure the Ground, which is his own, and must remain to his Posterity.

Thirdly, There are less alterations in Commonwealths where Succession prevails, for that the Son commonly retains the same Friends, Counsellors and Officers which his Father had before him, and often pursues the same Actions and Intentions.

Fourthly, He that entreth by Succession is either born a Prince, or hath been much respected for his Title to the Crown, and bringeth less Passions of Hatred, Emulation, Anger, Envy or Revenge against particular Men, (for that no man durst offend him) than he who entreth only by Election; for he having been a Subject and equal to others before his Advancement, and therefore had contention with many, especially about his Election, which he will seek to revenge when he is in Authority. As on the other side also, such as were his Equals before will bear him less respect, and be more unwilling to obey him, than if by Birth he had been their Sovereign.

Now as by Succession we remedy the difficulties of Election, yet there remains one great and manifest Inconveniency in the former; namely, That some unapt, impotent, or evil Prince may offer to enter by priority of Blood, which is to be prevented by adding Election, Consent and Approbation of the Realm to Succession, so as Succession by Election, and Election by Succession will be help'd, and the one made a Preservative and Remedy against the other. And this is the wisdom and high Policy left by God and Nature to every Commonwealth, for their own Conservation and Maintenance, and

every Man that is void of Paſſion, will not only allow, but alſo commend the ſame.

Now we ſhall proceed and ſhew what Intereſt a Prince hath before he's Crown'd or Admitted by the Realm, which I take to be the ſame as the King of the *Romans* hath to the *German* Empire, after his Election, and before he is Crown'd. Or to uſe a more familiar Example to Engliſhmen as the Mayor of *London* hath to the Majoralty, after he is Choſen, and before he is admitted or taken his Oath. For as this Man in rigour is not truly Mayor, nor hath his Juriſdiction before his Oath and Admiſſion, nor the other properly Emperour before his Coronation; ſo is not the Heir truly King, though his Predeceſſor be dead, and he next in Succeſſion, until he is Crown'd or Admitted by the Commonwealth; thô for better keeping of Order, and avoiding Tumults and Confuſion, moſt Commonwealths that have their Princes by Succeſſion, have conſented, that from the Death of the former Princes all Matters of Government ſhall paſs in the Name of the Succeſſor, (if his Succeſſion be clear) under ſuppoſition of the Confirmation and Approbation of the Commonwealth afterwards.

Now as for the Princes of *England*, it's expreſly noted by Engliſh Hiſtorians, that it only hapned to *Henry* the Fifth, among all his Predeceſſors, to have Homage done unto him before his Coronation and Oath taken, and that for the exceeding Love and Affection the People had for him. Whereof *Polydore* writeth in theſe words: *Prince* Henry, *after he had finiſht his Fathers Funeral, cauſed a Parliament to be conven'd at* Weſtminſter, *where whilſt Conſultation was had according to the ancient*

Polydor. Virgil lib. 22.

Cuſtom

Custom of England, *about Creating a new King; behold on a ſudden certain of the Nobility of their own free wills began to Swear Obedience and Loyalty to him: Which demonſtration of love and good will was never ſhewed to any Prince before, until he was declared King.*

And *Stow* expreſſeth the ſame thing in his Chronicle, in theſe words; *To this Noble Prince, by aſſent of the Realm, the Nobles after three days offered to do Fealty before he was Crown'd, or had ſolemniz'd his Oath, well and juſtly to govern the Commonwealth; which Offer before was never found to be made to any Prince of* England. Thus much *Stow*. *Stow* in the beginning of the Life of *Henry* the 5th.

In whoſe Narration, as alſo in that of *Polydore*, it may be noted, that King *Henry* was not called King till after his Coronation, thô his Father had been dead almoſt a Month before: As ſecondly, That the Parliament conſulted about making a new King, according to the Cuſtom of their Anceſtors; which argueth that he was not yet King, thô his Father was dead; and that the manner of our Old Engliſh Anceſtors was not to account him ſo before his Admiſſion. Thirdly, That this good Will of the Nobility, to acknowledge him for King before his Coronation and Oath ſolemniz'd, truly and juſtly to govern the Realm, was very extraordinary and meer kindneſs. And laſtly, That it was never done to any Prince before *Henry* the Fifth. All which Points do demonſtrate, that it's the Coronation and Admiſſion that makes a true and perfect King, let the Title by Succeſſion be what it will; and that the Conſent of the Realm is of much greater conſequence than nearneſs of Blood.

This

This may be prov'd by many Examples in *England*, where Admission, has prevail'd against Right of Succession, as in *William Rufus*, who succeeded the Conquerour, and King *Henry* the First his Brother, in King *Stephen*, King *John* and others, who only by Admission of the Realm were Kings against the order of Succession. To these we may add *Henry* and *Edward*, both Sirnamed the Fourth, whose Entrances to the Crown, if we well consider, we shall find that both of them founded the best and surest part of their Titles upon the Election and Consent of the People: And both of them having Remorse of Conscience at their dying days, being they put so many Men to death for maintenance of their Rights and Titles, had no better way to appease their own Minds, but by thinking they were plac'd on the Throne by the Voice of the Realm, and consequently might lawfully defend the same, and punish such as intended to deprive them.

Moreover, if we look into the Actions of Princes in all Ages, we shall find that such Kings as were most politick, and had the least doubt or suspicion of Troubles about the Title after their Deaths, have caused their Sons to be Crown'd in their own days, as trusting more to that, than to their Title by Succession, tho they were never so lawfully and lineally descended. And of this I could alledge many Examples out of divers Countreys, but specially in *France*, since the last Line of *Capetus* came to that Crown; for *Hugh Capetus* himself procured *Robert* his eldest Son to be Crown'd in his own days, and *Robert* did the same for his youngest Son *Henry*. *Henry* also did entreat the States of *France* to

Admit

Admit and Crown *Philip* the First, his eldest Son, in his own time; and this Kings Son *Lewis* did the same to both his Sons, first to *Philip*, and after his death to *Lewis* the younger. And for the same cause, the Prince of *Spain* is Swore and admitted by the Realm, during his Fathers Reign. The same Consideration also moved King *David*, to Crown his Son *Solomon* in his own days.

And finally our King *Henry* the Second of *England*, considering the alteration the Realm had made in admitting King *Stephen* before him, against the order of Lineal Succession; and fearing the like might happen after him, caused his eldest Son *Henry* to be Crowned in his life time: But this Device had but ill success, for King *Henry* the younger made War upon King *Henry* the elder, and got both the Kings of *France* and *Scotland*, and many Nobles both of *England* and *Normandy* to take his part; for which cause 'tis probable, that this thing has never since that time been us'd in *England*. But yet hereby its evident, what the Opinion of the World was in those days of the force of Coronation and Admission of the Commonwealth, and how little the propinquity of Blood prevailed without it.

I might bring infinite Examples from the *Grecians* and *Romans* to this purpose; but that it may be objected, that they are too old and far-fetch'd Examples, and ought not to be Presidents to us in these Ages. Wherefore I shall only give some few Examples of the *Jews*, being they were Gods Elect People, and so fit Presidents for us to follow; and then hasten to those of later Times.

First

First then, Tho God made *Saul* a true and lawful King, and consequently gave him all the Kingly Priviledges, Benefits and Prerogatives belonging to that degree and state; whereof one was, That his Children should succeed after him in the Crown; yet after his death, God suffered not any of his Generation to succeed him, tho' he left behind a numerous Issue; and among others, *Ishbosheth* a Prince of 40 years old, whom *Abner* the General Captain of that Nation follow'd for a time as their lawful Lord and Master by Succession, until God check'd them for it, and induc'd them to reject him, and to receive *David*, newly elected King, who was a Stranger by Birth, and no Kin to the King deceased.

Now if any one shall say, that it was for the Sin of *Saul*, whom God had rejected, I do confess it, and yet it makes nothing against our purpose, being we do not pretend that a Prince, who is next in Blood, can justly be put back, unless for his own defects, or those of his Ancestors. And it's to be noted, That *Jonathan* (who was a good Man, and much praised in Holy Writ) being slain in the Battle, and leaving a Son named *Mephibosheth*, who was also put back, tho' by nearness of Blood he had great interest in the Succession, and much before *David*, and that only (for ought appears) upon the account of *Saul* his Grandfather.

After *David* succeeded *Solomon*, who was his younger and tenth Son, and the fourth only by *Bathsheba*, tho' *Adonijah* the Heir apparent, seeing his Father old and ready to dye, had call'd many of the great Men of that State, both Spiritual and Temporal, intending to have proclaimed himself

Heir

Heir apparent to the Crown; but *Bathsheba* and *Nathan* the Prophet coming to the old King, as he lay on his Bed, put him in mind of his Promise to *Bathsheba*, made for preferring of her Son; telling him, (which pleased him well) *Quod oculi totius Israel in eum respicerent, ut indicaret eis, quis sederet in solio suo post ipsum.* Which was as much as to say, *That the whole Commonwealth referr'd it to his choice, which of his Sons should Reign after him.* Upon these Reasons and Perswasions the old King was content they should take *Solomon* out of hand, and put him on the Kings own Mule, and carry him about the Streets of *Jerusalem*, accompanied with his Guards, and crying with sound of Trumpets, *Long live King* Solomon.

Hereby we may learn, That these and the like determinations of the People, about admitting or refusing of Princes, to Reign or not to Reign over them, when their Designs are to good Ends, and for just Respects and Causes, are allowed also by God, and many times are his own special Drifts and Dispositions, thô they seem to come from Man.

Whereof there can be no more evident Proof, than that which ensued afterwards to Prince *Rehoboam*, the lawful Son and Heir to King *Solomon*, who refusing to take away some hard and heavy Impositions, laid on the People by *Solomon* his Father, lost ten of the twelve Tribes, who refused to admit him for their King; but chose rather one *Jeroboam* that was a meer Stranger, and God allowed thereof, as the Scripture in express words testifies: For when *Rehoboam* took himself to be openly injur'd, would by Arms have pursu'd his 1 King. 12. 21.

Title, and had gathered an Hundred and fourſcore Thouſand choſen Souldiers to reduce the Rebels (as he called them) to their Obedience. God appeared to one *Semia*, an holy Man, and commanded him to go to the Camp of *Rehoboam*, and tell them, that they ſhould not fight againſt their Brethren, who had choſen another King, but that every Man ſhould go to his Houſe, and live quietly under the King they had choſen, and ſo they did; and this was the end of that Tumult which God for the Sins of *Solomon* had permitted and allowed of.

And thus much I thought good to relate concerning the Jewiſh Commonwealth, for that it may give light to all the reſt I am to treat of; for if God permitted and allowed this in his own Commonweal, that was to be the Example and Pattern of all others that ſhould enſue, no doubt but he approveth alſo the ſame in other Realms, when juſt occaſion offers, either for his Service, the good of the People, or for the puniſhment of the Sins and Wickedneſs of ſome Princes, that the Line of Succeſſion ſhould be altered.

First Race.

Now then, to paſs on further, and to begin with the Kingdom of *Spain*; which hath had three or four Races or Deſcents of Kings, as *France* alſo and *England* have had; And the firſt Race was from the *Goths*, which began their Reign in *Spain* after the expulſion of the *Romans*, about the year of *Chriſt* 416, to whom the *Spaniard* referreth all his Nobility, as the *French* doth to the *German Franks*, and the *Engliſh* to the *Saxons*, who entred *France* and *England* in the ſame Age, as the others did *Spain*; and the Race of the *Gothiſh* Kings endured

Three

Three hundred years, until *Spain* was loſt unto the *Moors*.

The ſecond Race is from *Don Pelage*, that was choſen firſt King of *Auſtria*, after the deſtruction of the Kingdom by the *Moors*, about the year of *Chriſt* 717; which Race continued, and added Kingdom unto Kingdom for the ſpace of Three hundred years, until the year of *Chriſt* 1034, when *Don Sancho*, King of *Navarre*, got the Earldom of *Aragon* and *Caſtile*, and made them Kingdoms, dividing them among his Children, to his ſecond Son *Don Ferdinando*, Sirnamed afterwards *The Great*; he gave not only the Earldom of *Caſtilia*, but by Marrying alſo the Siſter of *Don Dermudo*, King of *Leon* and *Aſturia*, he joyned all thoſe Kingdoms together; and ſo from that Day began the third Race of the Kings of *Navarre* to Reign in *Caſtile*, and ſo endured for Five hundred years, until the year of *Chriſt* 1540; when the Houſe of *Auſtria* entred to Reign by Marriage of the Daughter of *Don Ferndinando*, Sirnamed *The Catholick*; and this was the fourth Race of the *Spaniſh* Kings after the *Romans*.

Second Race.

Third Race.

Fourth Race.

Now in theſe four Ranks of Regal Deſcents, divers Examples may be alledged for my purpoſe; yet I ſhall paſs by my firſt Race, for that its evident by the Councils of *Toledo*, which were held in thoſe Times, That expreſs Election was joyned with Succeſſion; for in the 4*th* Council of *Toledo*, *Cap.* 74. are theſe Words, *Let no man among us ſnatch the Kingdom by preſumption; but the former King being dead, let the Nobility of the Kingdom, together with the Prieſts and Clergy, appoint the Succeſſour of the Kingdom by Common Council.* Which

is as much as if they had said, *Let no man enter upon the Kingdom by presumption of Succession alone; but let the Lords Spiritual and Temporal, by Common Voice, see what's best for the Weal-publick.*

Don Pylao (the first King after the destruction of the Kingdom by the *Moors*) died, and left a Son named *Don Favilla*, who was King after his Father, and Reigned two years, aftes whose Death none of his Children were admitted for King, thô he left many; but *Don Alonso* was chosen by the unanimous Consent of the *Gothish* Nation; and for no other Reason, but that the Kings Sons were young and unable to govern; and this *Alonso* proved an excellent King, and as *Sebastianus*, Bishop of *Salamancha* (who lived in the same time) writes, was for his Valiant Acts Sirnamed *The Great.*

Ambro. Moral. lib. 13. cap. 6. n. 10.

To this Famous *Don Alonso* succeeded his Son *Don Fruela*, who was a Noble King for Ten years, and had many great Victories over the *Moors*; but after declining to Tyranny, he became odious to his Subjects, and was Deposed and put to Death *Anno Domini* 768; and tho' he left two Sons, yet for the Prejudice conceived against their Father, neither of them were admitted by the Realm to succeed him; but rather his Cousin *Don Aurelio*, who Reigned Six years, and died without Issue; and because the Hatred which the *Spaniards* conceived against the Memory of *Don Fruela* was not yet extinguish'd, they would not yet admit any of his Generation, but excluded them a second time, and chose *Don Silo*, a Brother-in-Law of his; so that the right Heirs of *Don Fruela* were twice put back for his evil Government.

Moral. l. 13. cap. 17.

But

But *Don Silo* being dead without Iſſue, as alſo *Don Aurelio* was before him, and the Anger of the *Spaniards* againſt *Fruela* being well aſſwaged, they admitted his Son *Don Alonſo*, whom they had twice put back: But he dying without Iſſue, *Don Ramiro* his Couſin was choſen; and thô *Don Ramiro* was next in Blood to *Alonſo*, yet he was elected by the States, as the Hiſtorian expreſly writes. *Moral. cap. 31.*

But in the time of *Don Ramiro*, the Law of Succeſſion by propinquity of Blood, was much reviv'd and ſtrongly confirm'd, and from this time forward the King always caus'd his eldeſt Son to be named *King* or *Prince*, and to be always Sworn by the Realm and Nobility; yet we ſhall find this Ordinance to have been frequently broken upon ſeveral Conſiderations. As for Example, after ſome Deſcents from *Don Ramiro*, which were *Don Ordonio* (this Mans Son) and *Don Alonſo* the Third, *Don Garzia* and *Don Ordonio* the Second; all four Kings by orderly Succeſſion: It hapned that in the year of *Chriſt* 924, *Don Ordonio* the Second dying, left four Sons and one Daughter lawfully begotten, and yet the State of *Spain* diſplaced them all, and gave the Kingdom to their Uncle *Don Fruela*, ſecond Brother to their Father; and for no other Reaſon, but their being young, and not ſo able to govern as their Uncle was. But after a year this *Fruela* died, leaving many Sons of a full Age; yet the *Spaniards* put them all by the Crown, and choſe *Don Alonſo* the Fourth.

And this ſhall ſuffice concerning the Race of *Don Pylao*, firſt Chriſtian King of *Spain*, after the Entrance of the *Moors*.

Now

Now for avoiding prolixity we'll omit many Instances that are for our purpose, and be content to repeat a few of latter Date. And,

First, In the year of *Christ* 1276. *Don Sancho* (Sirnamed *El Bravo*, for his great Valour) was chosen, and his Nephews, who were Heirs apparent, put back, because he was a great Warriour, and more like to manage better the Matters of War than they: And this was done in a General Parliament, which was held at *Segovia* in the year 1276. and the two Princes his Nephews were put in Prison; but afterwards by the intercession of their Uncle King *Philip* of *France*, they were releas'd, and had certain Lands given them; and of them came the Dukes of *Medina Cœli*, and all the rest of the House of *Cerda*, which are of great Nobility in *Spain*.

Garib. lib. 15. c. 1. An. 1363.

Not long after this, when *Don Pedro* (Sirnamed *The Cruel*) King of *Castile* was driven out, and his Bastard-Brother *Henry* the Second set up in his place; *John* of *Gaunt*, Duke of *Lancaster*, having Married *Dona Constantia*, the said King *Peters* Daughter and Heir pretended by Succession to the said Crown of *Castile*, which was really his Right; but yet the State of *Spain* denyed it flatly, and defended it by Arms, and prevailed against *John* of *Gaunt*, as did also the Race of *Henry* the Bastard against his lawful Brother, and the Race of *Don Sancho* the Uncle against his lawful Nephews; and this hapned in the third and principal Descent of the *Spanish* Kings, when this Matter of Succession was most assuredly and perfectly establisht; and yet who will deny the Kings of *Spain*, who held

under

under the latter Titles, To be true and lawful Kings?

By which it appears, how frequently the Line of Succeſſion has been altered in *Spain*, upon any reaſonable Conſideration, which they imagined to be for the Publick good: And the like we ſhall find in *France* and *England*, which we ſhall begin to treat of.

Now concerning the State of *France*, thô ſince the Entrance of King *Pharamond* with his *Franks* out of *Germany*, which was about the year of *Chriſt* 419. they have never had any Stranger come to wear the Crown, which they attribute to their *Salick* Law, that forbids Womens Reign; yet they have twice chang'd their whole Race and Linage of Kings, once by the Entrance of King *Pepin*, who put out the Line of *Pharamond*, about the year 751. and again in the promotion of *Hugo Capetus*, who put out the Line of *Pepin* in the year 988. ſo as they have had three Deſcents and Races of Kings, as well as the *Spaniards*.

Now I'le paſs over all the firſt Race of the *French* Kings, as I alſo did the *Spaniſh*, becauſe ſome men may ſay, That the Commonwealth and Law of Succeſſion was not ſo well ſetled in thoſe days, as it was afterwards in the time of *Pepin*, *Charles* the Great, and their Deſcendents. Therefore I ſhall only mention the ſecond Rank, which began with the Excluſion and Depoſition of their lawful King *Childerick* the Third, and Election of King *Pepin* in the year of *Chriſt* 781, after 22 Kings, which had Reigned of the firſt Line of *Pharamond*, for the ſpace of Three hundred years.

This

This King Reigned 18 years, being a famous King, as all the World knows, left his Kingdom by Succeſſion to his eldeſt Son *Charles*, Sirnamed after *The Great*, for his Famous and Heroical Acts. And thô the whole Kingdom belong'd to him by right of Succeſſion, yet did the Realm of *France* ſhew her Authority in his Admiſſion, as the Hiſtorian relates in theſe Words; *King* Pepin *being dead, the* French *choſe for their King his two Sons,* Charles *and* Carlomon, *on condition that they ſhould divide the Realm equally betwixt them*; which was a heavy Condition to the elder Brother to part with half his Kingdom.

rard. du ilan. lib 3.

After theſe Brothers had Reigned together three years, King *Carlomon* died, and left many Sons; but the Lords Spiritual and Temporal of *France* Swore Allegiance to *Charles*, without any reſpect to the Children of *Carlomon*, who by right of Succeſſion ſhould have been preferred.

After *Charles* the Great Reigned his Son *Lewis* the Firſt, Sirnamed *Debonnaire*, of his Courteſie, who entred with great Applauſe of all Men, for the exceeding grateful Memory of his Father; but he was Depoſed by the means of his Sons, and was put in a Monaſtery; thô after he came to Reign again, and his fourth Son by his ſecond Wife named *Charles* the *Bold*, ſucceeded him in the Crown, after many Battels againſt his elder Brother *Lothair*, to whom it belong'd by Succeſſion.

rard. lib. 5. 834.

After *Charles* the *Bold* ſucceeded *Lewis* the Second, who was the third Son; for the Second died before his Father; and the Eldeſt was put by for his ill Demeanour: This *Lewis* alſo had like to have been deprived by the States at his Entrance, for

for the Hatred conceived againſt his Father, had he not call'd a Perliament at *Campeigne*, and ſweetned the People and Nobility with many fair Promiſes. This *Lewis* left two Baſtards by a Concubine, who were call'd *Lewis* and *Carlomon*, as alſo an Infant newly born of his lawful Wife *Adeltrude*, Daughter to King *Alfred* of *England*, which Infant was King of *France* after, by the Name of *Charles* the *Simple*, thô not immediately after the Death of his Father: For the Nobles of *France* ſaid, *They had need of a Man to be King, and not a Child*; and ſo the whole State of *France* choſe for their Kings the two aforeſaid Baſtards; and they were Crowned moſt ſolemnly, and divided the whole Realm between them, and Queen *Adeltrude* with her Child (true Heir of *France*) fled into *England* to her Father, and there kept him many years; in which time ſhe ſaw four or five Kings Reign in his place ſucceſſively. *Gerard.* lib. 1. An. 881.

Of theſe two Baſtards, the Elder named *Lewis* Reigned but Four years, and died without Iſſue, the ſecond, named *Carlomon*, lived but one year after him, and left a Son called *Lewis*, which ſucceeded him in the Kingdom by the name of *Lewis* the Fifth, and Sirnamed *Faineant*, for his idle and ſlothful Life; for which, as alſo for his vicious Behaviour, and in particular for taking out and Marrying a Nun of the Abby of *S. Saveour*, he was depriv'd and made a Monk in the Abby of *S. Denis*, where he died, and in his place was choſen King of *France*, and Crown'd with great Solemnity, *Charles* the Fourth, Emperour of *Rome*, who was Nephew to *Charles* the *Bold*, before-mentioned; and therefore the *French* Hiſtorians ſay, That he came to the Crown, partly by Succeſſion, and partly by

Election; but for Succeſſion we ſee it was of no account, being *Charles* the *Simple* the right Heir was alive in *England*, and as it were forgotten, being they had thrice excluded him, and would not receive him, after they had deprived *Charles* for his evil Government; and rather choſe one *Odo*, Earl of *Paris* and Duke of *Angiers*, and cauſed him to be Crown'd.

But after a few years being weary of this Man's Government, and moved with Compaſſion towards the Youth in *England*, they Depoſed him while he was abſent in *Gaſcony*, and call'd *Charles* the *Simple* out of *England*, and reſtor'd him to the Kingdom of *France*, leaving only to *Odo* the State of *Aquitain*, with Title of a Duke, wherewith in fine he contented himſelf, ſeeing he could get no more. But yet his Poſterity by virtue of this Election, ever after pretended a Title to the Crown of *France*, and never deſiſted until by *Hugo Capetus* they got it; for *Hugh* was deſcended of this King and Duke *Odo*. This *Charles* the *Simple* was decoy'd into the Caſtle of *Peronne* in *Picardy*, where he was made Priſoner, and forc'd to reſign his Kingdom unto *Ralph* King of *Burgundy*, and ſoon after he died in the Caſtle and his Queen *Odin* an Engliſh Woman fled into *England*, with her little Son *Lewis*, unto her Uncle King *Adelſtan*, as Queen *Adeltrude* had done before.

But this new King *Ralph* lived but three years after, and then the States of *France* conſidering the Title of *Lewis* the Lawful Son of *Charles* the *Simple*, which *Lewis* was commonly called by the name of *d'Outremere*, that is, beyond Sea, being he was brought up in *England*; the ſaid States being

conti-

continually ſolicited by the Ambaſſadors of King *Adelſtan*, and by *William* Duke of *Normandy*, in behalf of the young Prince; they reſolved to call him home, as they had done his Father, and to admit and Crown him King, and ſo they did; and he Reigned Twenty ſeven years, and was a good Prince, and died peaceably in his Bed in the year of *Chriſt* 945.

This *Lewis d'Outremere* left two Sons behind him, the eldeſt ſucceeded him by the name of *Lothair* the Firſt, and the youngeſt he made Duke of *Lorrain*. *Lothair* dying left one Son named *Lewis*, who ſucceeded him by the name of *Lewis* the Fifth; but dying without Iſſue, the Crown was to have gone by Lineal Succeſſion to his Uncle *Charles*, Duke of *Lorrain*, ſecond Son of *Lewis d'Outremere*; but the States of *France* put him by for miſlike of his Perſon; and choſe *Hugo Capetus* Earl of *Paris*, and ſo ended the ſecond Line of *Pepin*, and of *Charles* the *Great*, and entred the Race of *Capetus*.

Now thô all the French Chronicles are earneſt defenders of their Law of Succeſſion, yet they juſtifie the Title of *Capetus* againſt *Charles* of *Lorrain*, as may appear by the Words of an ancient and diligent Chronicler of the Abby of S. *Denis*, who defends King *Capetus* in theſe Words: *We may not grant by any means, that* Hugh Capet *ſhould be eſteemed an Invader or Uſurper of the Crown of* France, *ſeeing the Lords, Prelates and Princes of the Realm did call him to this Dignity, and choſe him for their King and Sovereign Lord.* Upon which Words *Belforeſt* ſaith, as follows: *I have laid before you the Words and Cenſure of this good and religious Man, for they ſeem to me to touch the quick;* Bel. lib 3. cap 1.

for in truth we cannot defend the Title of Capetus *by any means from Uſurpation and Felony, but by juſtifying his coming to the Crown, by the conſent and good will of the Commonwealth.*

And theſe Inſtances out of the ſecond Line of *France*, I take to be ſufficient proof of our Aſſertion, without going any further; for if we do but number theſe Kings already named of this ſecond Race, from *Pepin* to *Capet* (which are about Seventeen in Two hundred thirty eight years) we ſhall find, that not few, but the moſt part of them did both enter and enjoy their Crown and Dignity contrary to the Law of Lineal Deſcent, and of next Succeſſion by Blood.

We ſhall therefore inſtance ſome Examples for our purpoſe out of the Engliſh Hiſtory, and ſo conclude this Point.

Firſt then it's to be noted, That the Realm of *England* hath had as great variety, changes and diverſity in the Races of their Kings, as any Nation in the World: For after the *Britains*, it had *Romans* for their Governours for many years, and then of them and their *Roman* Blood, they had Kings of their own, as appears by that Valiant King *Aurelius Ambroſius*, who reſiſted ſo manfully the *Saxons* for a time; after this they had Kings of the *Saxon* and *Engliſh* Blood, and after them of the *Danes*, and then of the *Normans*, and after them again of the *French*; and laſt of all of the *Scotch*, of whom King *James* the Sixth was deſcended, which continues to this day.

Now I mean to paſs over the firſt and ancient Races of Kings, as well of the *Britiſh* and *Roman*,

as

as alſo of the *Saxon* Races, until King *Egbert* the Firſt of that Name, King of the *Weſt-Saxons*, and almoſt of all the reſt of *England* beſides, who therefore is ſaid to be properly the firſt Monarch of the *Saxon* Blood, and he that firſt commanded the Realm to be called *England*, which ever ſince has been obſerv'd.

This *Egbert* was baniſh'd the Realm by King *Britricus*, for he ſuſpected that he might be choſen King, by reaſon of his great Proweſs and Valour. He lived many years in *France* under the Famous King *Pepin*; afterwards hearing *Britricus* was dead, he came into *England*, and was choſen King by univerſal Conſent of the People; and he prov'd one of the beſt Kings that ever the *Saxons* had before, or perhaps after; and he and King *Pepin* of *France* began their Reigns as it were together, and came both to their Crown by no other Title, but the Election of the People. *Polydor.lib.*

This King *Egbert* left a lawful Son behind him named *Ethelwolf*, who ſucceeded him in the Kingdom, and was as Famous a Man as his Father. This *Ethelwolf* had four lawful Sons, who all in their turns ſucceeded by juſt and lawful Order in the Crown, *viz. Ethelbald*, *Ethelbert*, *Ethelred* and *Alfred*, and all the latter Three were moſt excellent Princes, eſpecially *Alfred*, who drove *Rollo*, that Famous Captain of the *Danes* from the Borders of *England* with all his Company into *France*, where he got the Country, then named *Neuſtria*, and now *Normandy*, and was the firſt Duke of that Nation, from whom our *William* the Conquerour came afterwards in the *6th* Deſcent.

This

This *Alfred* left one Son behind him named *Edward*, who dying left two Sons, lawfully begotten of his Wife *Edigna*, one called *Edmond*, the other *Eldred*, and a third Illegitimate, nam'd *Adelſtan*, whom he had by a Concubine. This laſt was preferr'd to the Crown before the other two Legitimate Princes, only for his Valour and Conduct.

lydor. lib. 5. *w* pag. 130.

This Man dying without Iſſue, his lawful Brother *Edmond*, put back before, was admitted to the Crown, who Reigned ſix years, and left two lawful Sons; but they being young were both put back, and their Uncle *Eldred* preferr'd before them; who after Nine years Reign died without Iſſue, and ſo his elder Nephew *Edwin* was admitted to the Crown, who after four years was Depos'd for his lew'd and vitious Life, and his younger Brother *Edgar* admitted in his place.

This King *Edgar*, who entred by Depoſition of his Brother, was one of the rareſt Princes that the World had in his time, both for Peace and War, Juſtice, Piety and Valour. He left two Sons by different Wives, *Edmond* and *Etheldred*; the firſt was Murther'd, after which many good Men of the Realm were of Opinion, not to admit the Succeſſion of *Etheldred*, both in reſpect of the Murther of King *Edward* his elder Brother, committed for his ſake; as alſo for that he ſeem'd a Man very unfit for Government; and of this Opinion was that holy Man *Dunſtan*, Archbiſhop of *Canterbury*, who in flat words denied to Conſecrate him; but ſeeing the moſt part of the Realm incline to his ſide, he told that it would repent them afterwards, and that in his Life the Nation ſhould be deſtroy'd; as indeed it was, and he forc'd to *Normandy*, and left *Sweno* and

and his *Danes* in the poſſeſſion of the Realm, thô after *Sweno*'s Death he return'd and died in *London*. He had two Wives, the firſt an Engliſh Woman, by whom he had Prince *Edmond*, Sirnam'd *Ironſide*, for his great ſtrength and courage.

Now he that will conſider the paſſage of the Crown of *England* from the death of *Edmond Ironſide*, eldeſt Son of King *Etheldred*, until the acquiſition thereof by *William* Duke of *Normandy*, will eaſily ſee what Authority the Commonwealth hath had, to alter Titles of Succeſſion, according as publick neceſſity required.

Now ſince King *William* the Firſt, commonly call'd the Conquerour, (thô in truth he never grounded his Title upon any thing, but the Election of the Confeſſor and Conſent of the People) the excluſion of Princes againſt the ordinary courſe of Succeſſion, is more notorious than in elder times; therefore I ſhall only refer the Reader to their particular Lives, who ſucceeded before the lawful Heirs by propinquity of Blood. As firſt, *William Rufus* and *Henry* the Firſt, before *Robert* their elder Brother, King *Stephen* before *Henry* the Second, and King *John* before *Arthur* Duke of *Britain*. Some years after, when the Barons and States of *England* diſlik'd the Government of King *John*, they rejected him and choſe *Lewis* the Prince of *France* to be their King, and ſwore Fealty to him at *London*, and depriv'd the young Prince *Henry* his Son; but after the death of his Father King *John*, they recall'd again that Sentence, and admitted this *Henry* to the Crown by the name of *Henry* the Third, and diſannull'd the Oath and Allegiance made to *Lewis* of *France*. Now from this *Henry* the Third, the Houſes of *Britany*, *Lancaſter* and

and York, do seem to issue, as a triple Branch out of one Tree.

Now if we consider the Titles of the Kings of the House of *York* and those of *Lancaster*, we shall see plainly, that the best of all their Titles (after the deposition of King *Richard* the Second) depended most on the Authority of the Commonwealth; for as the People were affected, and the greater part prevailed, so were their Titles either confirm'd, altered, or disannulled by Parliament; and yet we may safely affirm, that either part, when they were in possession of the Crown, and confirm'd therein by Parliament, were true and lawful Kings, and that God concur'd with them, as with true Princes for government of their People: For if we should deny this Point, great Inconveniences would follow, and we should shake the States of most Princes in the World at this day, as by Examples which I have already alledg'd may appear. And so I shall end this Point, affirming, That as propinquity of Blood is a great preheminence towards the attaining of any Crown, yet it doth not bind the Commonwealth to admit it, if weightier Reasons should urge the contrary.

Now it will be a further proof of what I have before alledg'd, (*viz.* That all Commonwealths have prefixt Laws to their Princes, which they are as much bound to keep as any Subject) if we consider their Oaths at their Admission or Coronation. And first of the Emperour, who Swears to defend the Christian Religion, to minister Justice equally to all Men, to keep and observe all Laws and Priviledges of the Empire; not to alienate or engage the possessions of the Empire, to condemn no man but by course of Law, and that whatsoever he does otherwise,

shall

ſhall be void and of no validity. Unto theſe Articles he Swears firſt by his Legates, and he gives a Copy of his Oath to each Elector, and after he goes to be Crown'd; where in the middle of Maſs the Archbiſhop of *Colen* asks in the preſence of all the the People, Whether he is ready to Swear to the aforeſaid Articles? and he anſwers that he is; then the Archbiſhop leads him to the high Altar, where he Swears to them in expreſs words; which being done, the Archbiſhop turning to the Princes of the Empire and People there preſent, asks them Whether they be content to ſwear Obedience and Fealty to him? who anſwers, Yes: Then he's Anointed, and the other two Archbiſhops lead him into the *Veſtry*, where Deacons are ready to put on his Robes; then the Biſhop of *Colen* delivereth him a drawn Sword, and puts a Ring on his Finger, and a Scepter in his Hand; and then the three Archbiſhops put the Crown on his Head, and ſo he's plac'd on the Imperial Throne, where all the Princes ſwear Obedience to him.

Now it's to be noted, that the Emperour Swears three times, twice himſelf, and once by his Deputies, before his Subjects Swear once to him.

In *Polonia*, the manner of Crowning their King is in ſubſtance the ſame as of the Emperour. His Oath is in theſe Words; *I do promiſe and ſwear before God and his Angels, that I will do Law and Juſtice to all, and keep the Peace of Chriſt's Church, and the Union of his Catholick Faith; and if (which God forbid) I ſhould break my Oath, I am content that the Inhabitants of this Kingdom, owe no Duty or Obedience unto me, as God ſhall help me, and Gods Holy Goſpel.*

In *Spain* I find, that the manner of admitting their Kings was different, and not the ſame before and after

the destruction thereof by the *Moors*; but yet in both times their Kings did Swear in effect the self-same Points, which before have been mentioned in other Kingdoms.

Ambro. Moral. lib. 13. cap. 2.

Now *Ambrosio Moral.* reports, That a certain Law was found writen in the *Gothish* Tongue, and left since the time of *Don Pelayo* the first King after the *Moors*; which prescrib'd, how Men must make their King in *Spain*, and how he must swear to the Priviledges and Liberties of that Nation. Before all things it's establisht for a Law, Liberty and Priviledge of *Spain*, That the Kings shall be made by Voices and Consent perpetually; to the intent, that no Evil King may enter without the Consent of the People, seeing they are to give him that which with their Blood and Labours they have gain'd from the *Moors*. Thus far goes the first Article of this Law, which is the more to be noted, because the most ancient of the Spanish Historians do say, that from this *Don Pelayo* the Succession of their Kings was ever by propinquity of Blood; and yet we see, that Election was joyned with it in expres terms. The second part of that Law contain'd the Ceremonies us'd in those old times at the admission of their Kings.

Now as for *France*, their ancient Ceremonies of Crowning their old Kings, was much after the manner which I noted before out of the Law of *Don Pelayo*, first King of *Spain* after the *Moors*: But as concerning the principal Point of that Action, which is the substance of admitting the King unto his Royal Authority, and of Oath by him made of governing well and justly, and of the reciprocal Oath of Obedience made to him by his Subjects, it was not much different from what is now used: The Archbishop

of

of *Rhemes* being veſted in Pontifical Attire, and come to the Altar to ſay Maſs (where the King is alſo upon a high Seat placed) he turns to him and ſays theſe Words; *Sir, that which we require at your hands this day is, that you promiſe unto us, that you'l keep all Canonical priviledges, Law and Juſtice, due to be kept and defended, as a good King is bound to do in his Realm.* To which the King anſwers, *I do promiſe to every one of you, that I will keep and maintain all Canonical priviledges, Law and Juſtice due to every Man, to the utmoſt of my power, and by Gods help will defend you, as a good King is bound to do.* This being done, the King Swears and makes his Oath, laying his hands upon the Goſpel, in theſe Words following; *I do ſwear and promiſe to all Chriſtian People, ſubject unto me, theſe Points enſuing: Firſt, To procure that all my Subjects be kept in union of the Church, and I will defend them from all Exceſs, Rapin, Extortion and Iniquity. Secondly, I will take care that in all Judgments, Juſtice ſhall be kept, with Equity and Mercy. Thirdly, I'le endeavour (as much as poſſible) to chaſe and drive out of my Realm, all ſuch as the Church hath, or ſhall declare Hereticks, as God ſhall help me, and his holy Goſpel.* Thus Sweareth the King, and then kiſſes the Book, and immediately is ſung *Te Deum*; and then the King's veſted, and the Ring, Scepter, Crown, and the other Kingly Ornaments are put on him, with Declaration firſt what they ſignifie; and then particular Prayers are made to God, that their ſignification may be by the King fulfilled.

Now *England* hath particularly taken her Ceremonies from *France*, being many of our Engliſh Kings have come from thence, as *William* the Conqueror, born in *Normandy*, *Stephen* Earl of *Blois* and *Belfor.* in vita *Phil.* 2.

Bullen, a French-man, and *Henry* the Second, born likewiſe in *France*, and Son to the Earl of *Anjou*. Now the Archbiſhop of *Canterbury*, doth ordinarily perform the Ceremonies at the Coronation in *England*, as the Archbiſhop of *Rhemes* doth in *France*; and we may collect the ſubſtance of what the Kings of *England* formerly ſwore, from the Biſhops Letter to *Henry* the Second, as alſo from the Speech of *Thomas Arundel*, Archbiſhop of *Canterbury* to *Henry* the Fourth. In the former are theſe Words; *Do you remember the Confeſſion which you made and laid upon the Altar at* Weſtminſter, *for keeping and defending the liberty of the Church when you were Conſecrated and Anointed King by* Theobaldus *our Predeceſſor?* By which it appears That he not only Swears, but gave up his Oath alſo in Writing; and for more ſolemnity and obligation, laid it down with his own hands upon the Altar.

That to *Henry* the Fourth, was occaſioned by his attempting to take the Temporalties from the Clergy; wherefore the Archbiſhop deſired him to remember the Oath which he made, That he would defend the Church and Miniſters thereof; and therefore pray'd him, to permit and ſuffer the Church to enjoy the Priviledges and Liberties which it did in the time of his Predeceſſors; and he alſo deſired him, to conſider his Promiſe made to the Realm, which was, *That he would preſerve unto every Man their Right and Title, ſo far as in him lay.* At which the King was ſo moved, as he would hear no more of that Bill of Laity; but ſaid, *He would leave the Church in as good, or better condition than he found it.* The other conditions of good Government are expreſly ſet down in the King of *Englands* Oath, recorded

corded by ancient Writers in these Words; *That he will (during his Life) bear due Reverence unto Almighty God, and to his Church; and that he will administer Law and Justice equally to them all, and take away all unjust Laws.* Which after he had sworn, then did the Archbishop (turning to the People) declare what the King has promised, and by an Herald at Arms asked their Consents, Whether they were content to submit themselves unto this Man, as unto their King, or no, under the Conditions proposed? And when they have yielded, the Archbishop begins to put on the Regal Ornaments, as the *Sword*, *Ring*, *Scepter* and *Crown*, as in the French Coronation, and bids him hold his Place and keep his Oath. *Holing. & 1005.*

And this is the sum of the English Coronation, which may be read in *Stow*; but especially the Admissions as well of the said *Henry* the Fourth last mentioned; as also of King *Edward* the Fourth, at their first Entrances to the Crown; for in the Admission of King *Henry*, *Stow* shews how the People were demanded thrice, Whether they woul dbe content to take him for their King? And then the Archbishop read to them, what this new King was bound by Oath unto. At the Admission also of King *Edward* the Fourth, *Stow* shews how the Peoples Consent was solemnly demanded in *S. Johns* Fields by *London*; notwithstanding King *Edward* had prov'd his Title by Succession in the Parliament at *Westminster*; *And now the Consent of the People being had*, (or, *He being thus Elected*, as *Stow*'s Words are) *he was with great Royalty convey'd to* Westminster, *and in the Hall set in the Kings Seat, with S.* Edwards *Scepter in his hand; and then the People were askt if they would have him King? and they cried*, Yea, yea. Thus far *Stow*. *Stow* in the Life of *Ric.* 2. *Stow* in the L of *Hen.* 6. p. 7

Now

Now if any except againſt theſe Inſtances, becauſe they entred and began their Reigns upon the deprivation of other Kings then living, let them look into the Coronations of *Edward* the *6th*, Queen *Mary* and *Elizabeth*, and they will find, That the Conſent of the People, and their Acceptation of thoſe Princes, is not only demanded by the publick Cry of a Herald at Arms, which ſtands on the ſide of the Scaffold whereon the Prince is Crowned, and the Peoples Anſwer expected till they cry, *Yes*, *yes*; but alſo that the ſaid Princes gave their Corporal Oath unto the Biſhop who Crowned them, to uphold and maintain the true Faith, with the Liberties and Priviledges of the Church; as alſo to govern by Juſtice and Law: Which Oath no doubt hath been moſt ſolemnly ſworn by all the Kings and Queens of *England*, from the days of *Edward* the Confeſſor at the leaſt, and whoſoever would ſee more Points of theſe Oaths ſet down in particular, let him read *Magna Charta* and he'l be ſatisfied.

By all which, and by much more that might be alledg'd in this matter, it is evident, that this Agreement, Bargain and Contract between the King and his Commonwealth at his firſt Admiſſion, is as certain and firm (notwithſtanding any pretence or intereſt he hath by Succeſſion) as any Contract or Marriage in the World can be; which is an act that lively expreſſeth the other; ſo as we muſt condemn the Aſſertions of thoſe Men, as abſurd, baſe and impious, who ſay, That only Succeſſion of Blood is the thing without further Approbation, which makes a King, and that the Peoples Conſent to him who is next by Birth, is nothing at all needful, be he what he will; and that his Admiſſion or Coronation

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is only a matter of external Ceremony, without any effect, for increaſe or confirmation of his Right.

Having now proved by Examples of our own and Neighbouring Nations, That all their Kings have been Sworn to the obſervation of their Laws and Conſtitutions, before their Coronation or Admittance by the Commonwealth; I ſhall proceed to make it appear, That Kings in all Chriſtian Kingdoms have been Depoſed for breach of the aforeſaid Original Contract; but with this Proteſtation beforementioned, that I do not intend any diſreſpect againſt the Sacred Authority of Princes and Governours, but only to ſhew, that as nothing under God is more honourable, profitable or Sovereign, than a good Prince; ſo nothing is more peſtilent, or bringeth ſo great deſtruction and deſolation, as an evil one. And therefore as the whole Body is of more Authority than the Head, and may cure it, if diſcompoſed, if they infeſt the reſt; ſeeing that a Body Civil may have many Heads by Succeſſion, and is not always bound to one as a Body Natural is; which Body Natural, if it had the ſame ability, that when it hath an aking or ſickly Head, it could cut it off and take another; I doubt not but it would do ſo, and that all Men would confeſs that it had ſufficient Authority and Reaſon to do the ſame, rather than all the other Parts ſhould periſh, or live in pain and continual torment. But yet the matter is much clearer that we have in hand, for eaſing our ſelves of wicked Princes, as I ſhall now begin to declare.

Firſt therefore, I ſhould alledge ſome Examples out of Scripture, but that ſome Men may chance to object, *That thoſe things recorded there of the* Jews, *are not ſo much to be reputed for acts of the Commonwealth, as*

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for particular Ordinations of God himſelf: Which yet is not any thing againſt me, but rather makes much for our purpoſe, by reaſon the matter is much more authorized hereby, ſeeing whatſoever God did ordain and exerciſe in his Commonwealth, may alſo be practis'd by others, having Gods Authority and Approbation for it. Wherefore I ſhall haſten to Examples nearer home, and more proper to the particular purpoſe we treat of; yet I cannot omit noting two or three out of the Bible, that do appertain to this purpoſe alſo; and theſe are the deprivations of two wicked Kings of *Judah*, *Saul* and *Amon*; (thô both were lawfully placed in that Dignity) and the bringing in of *David* and *Joſias* in their rooms, who were the two moſt excellent Princes that ever that Nation, or any other ever had to govern them.

And firſt, King *Saul*, thô he was choſen by God to that Royal Throne, yet he was ſlain by the *Philiſtins*, by Gods Order, as it was foretold him, for his diſobedience, and not fulfilling the Law, and living within the Limits preſcribed unto him. *Amon* was lawful King alſo, and that by Natural deſcent and ſucceſſion; for he was Son and Heir to King *Manaſſes*, whom he ſucceeded; and yet he was ſlain by his own People, becauſe he walked not in the way preſcribed unto him by God: And unto theſe two Kings ſo deprived God gave two Succeſſors, the like whereof are not to be found in the whole Race of Kings for a thouſand years together; for of *Joſias* it is written, *He did that which was right in the ſight of God, neither did he decline to the right hand nor to the left*; He Reigned 32 years; and *Jeremiah* the Prophet, who lived in his time, loved this good King ſo extremely, as he never ceaſed to lament his Death. As for King *David*,

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it will be needleſs to report how excellent a King he was; for (as many Learned men do note) he was a moſt perfect Pattern for all Kings that ſhould follow in the World; not only in matters of Religion Piety and Devotion, but alſo of Chivalry Valour, Wiſdom and Policy; neither is it true which *Machiavel*, and ſome others of his School affirm, for defacing of Chriſtian Vertue, That Religion and Piety are often Lets to politick and wiſe government, and do weaken the high Spirits of magnanimous Men, to take in hand great Enterprizes for the Commonwealth. This (I ſay) is extremely falſe, for Grace doth not deſtroy or corrupt, but perfecteth Nature; ſo as he who by Nature is valiant, wiſe, liberal or politick, ſhall be more, if he's alſo pious and religious. Which is evident in King *David*, who notwithſtanding all his Piety, omitted nothing belonging to the State and Government of a noble, wiſe and politick Prince.

And now if we leave the Hebrews and come to the Romans, we ſhall find many notable things in that State for our purpoſe: For when *Romulus* their firſt King declin'd into Tyranny, he was put by by the Senate, and in his place was choſen *Numa Pompilius* (a notable Prince) who preſcrib'd all their order of Religion and manner of Sacrifices, imitating therein the Rites and Ceremonies of the *Jews*, as *Tertullian* and other Fathers do note; he began alſo the building of their *Capitol*, and did other beneficial things for that Commonwealth. Again, when *Tarquinus* the Proud, their *7th* and laſt King was expell'd for his evil Government, we ſee the ſucceſs was proſperous, for that not only no hurt came thereby to the State, but exceeding benefit, being their Government and increaſe of Empire was ſo proſperous under their Con-

fuls, that whereas at the end of their Kingly Government they had but 15 Miles Territory without their City, it is well known, that when the Consuls Government ended, and was changed by *Julius Cæsar* their Territory reached more than 15000 Miles in compass; being they had not only *Europe* under their Dominion, but the principal parts of *Asia* and *Africa* also; so as this Chastisement so justly inflicted on *Tarquin*, was profitable and beneficial to their Commonwealth also. Moreover, when *Julius Cæsar* had broken all Law both human and divine, and taken all Government into his own hands, he was (as the World knows) slain by his Senators in the Senate-House, and *Octavianus Augustus* prefer'd in his room, who proved the most famous Emperour that ever was. When *Nero* the *6th*, Emperour of *Rome*, who succeeded lawfully his Uncle *Claudius* in the Empire, was depos'd and sentenc'd to death by the Senate for his wicked Government, thô Peace ensu'd not presently; but that *Galba*, *Otho* and *Vitellius*, three Captains of the Empire, made some little interludes of Tragical killing one another; yet within few Months the whole Empire by that means fell into *Vespasian* and his Son *Titus*'s hand, two of the best Governours that ever those times saw.

The like may be noted of the Noble rank of five excellent Princes, *viz. Nerva*, *Trajan*, *Adrian*, *Antoninus Pius*, and *Marcus Aurelius*, who succeeded in the Empire by the just Death of cruel *Domitian*; which Execution its thought the Senate secretly procured, (not being able to perform it openly by Justice) which appears, because when the act was done, the Senate did presently by publick Decree allow it, and disannull'd all his barbarous acts for their exceeding Cruelty,

Cruelty, and commanded his Arms and Memorials to be taken down every where, and chose for his Successor one *Cocceius Nerva* an *Italian*, a Man of excellent Vertue, by whom they not only enjoy'd the most prosperous time of his Government; but of all the four who ensued him, no less worthy than himself. Not long after the Succession of these excellent Emperours, there came to the Crown by lawful descent, a youth named *Antoninus Heliogabalus*, Son of the Emperour *Antoninus Caracalla*, and Grandchild (as was supposed) to the famous and noble Emperour *Septimius Severus*, who died in *England*; which Youth, as he was highly honour'd for a time upon the account of his worthy Grandfather; so after for his own Beastly life, he was depriv'd and put to death by the Souldiers, at the request and common desire both of the Senate and People; who ordained also in his detestation, That no Emperour after him should be call'd *Antoninus*. This Man being deposed as aforesaid, there was prefer'd to the Empire in his room a hopeful young Man of his next Kindred, named *Alexander Severus*, being admitted by common Consent both of Senate and People, who prov'd one of the rarest Princes (for Valour and Vertue) that ever the Roman Empire had; so as the excellency of *Severus* seemed fully to recompence the wickedness of *Heliogabalus*.

I may name many other such Examples, and among the rest that of *Maxentius*, who being lawfully possess'd of the Empire (being Son to *Maximinianus* the Emperour, which Reign'd with *Diocletian*) yet for his Tyrannical Government that was intolerable, its supposed that the Senate (not being able to match him in open strength) sent privily into *England* and *France*,

to invite *Conſtantine* to come to their relief, and ſo he did; and *Maxentius* being drown'd in the River *Tyber*, *Conſtantine* (afterwards Sirnam'd the *Great*) ſucceeded in the Empire, who was the Emperour (as the World knows) who firſt publickly profeſſed himſelf a Chriſtian, and planted our Faith over all the World. And ſo I ſhall end with the *Roman* Empire.

Now if we come lower down, and nearer home, we have yet another Example more remarkable than the reſt; which is, the change of the Empire from the Eaſt to the Weſt, for the evil Government of *Irene* and her Son *Conſtantine* the *6th*, who was depoſed firſt, and his Eyes put out by his own Mother *Irene*, and the Empire uſurp'd by her; who not being able to Rule it in ſuch order as was requiſite for ſo great a Monarchy, ſhe was deprived thereof by the Sentence of Pope *Leo* the Third, and by Conſent of all the People and Senate of *Rome*, *Charles* King of *France* and *Germany* (after Sirnamed the *Great*) was Crown'd Emperour of the Weſt; which Succeſſion continues as it were to this day, and many Worthy men have ſucceeded therein, and infinite acts of Juriſdiction have been exerciſed by that Authority, which were all unjuſt and Tyrannical, if this change of the Empire, and depoſition of *Irene* and her Son, for their evil Government, had not been lawful. It were too long to run over all other Kingdoms, and therefore I ſhall only touch ſome in thoſe Points that are moſt notorious.

Now the two famous Changes that have been made in the Royal Line of *France*; the firſt from the Race of *Pharamond* and *Clodoveus* to the Line of *Pepin*, and the ſecond from the Race of *Pepin* to *Hugo Capetus*; wheron are they founded, but upon the

Judicial

Judicial chaſtiſement and depoſition of two evil Princes, the firſt of *Childeric* the third lawful King of *France*, the ſecond of *Charles* of *Lorain*, who was kept Priſoner during his life in the Caſtle of *Orleance*? And thus much all the French Hiſtories do affirm, and do attribute to theſe Changes the proſperity and greatneſs of their Kingdom. And ſo much for *France*, where many other Examples might be alledg'd, as of King *Lewis* the Third, Sirnamed *Fainant*, and of *Charles* Sirnamed *Le Groſs*, who ſucceeded him, both of them depos'd by the States of *France*, as before I have noted.

But now if we ſtep over the *Pyrenean* Mountains, and look into *Spain*, where we ſhall not fail of many Examples to our purpoſe, both before the oppreſſion of that Realm by the *Moors*, and after. For before, in the year of Chriſt 630, we read of a lawful King named *Flaveo Suintila*, put down and deprived with his whole Poſterity, in the fourth Council National of *Toledo*, and one *Siſſinando* confirmed in his place; notwithſtanding that *Suintila* was at the beginning of his Reign, a very good King, and much commended by S. *Iſidorus* Archbiſhop of *Sevil*; who yet in the ſaid Council was the firſt Man who ſubſcrib'd to his deprivation. After the entrance of the *Moors* alſo, when *Spain* was reduc'd again to order and government of the *Spaniſh* Kings; we read that about the year of Chriſt 1282. one *Don Alonſo* the 11*th* of that name, King of *Caſtile* and *Leon*, ſucceeded his Father *Ferdinand*, Sirnam'd the *Saint*, and he obtain'd the name of *Sabio* and *Aſtrologio*, that is, of *Wiſe* and of an *Aſtrologer* for excellent Learning and peculiar skill in that Art as may appear by the Aſtronomy Tables that at this day go under his Name, which are the moſt perfect and exact that ever were ſet forth, by Judg-

Ambroſio Mor. lib. 11. cap. 1.

Garib. lib. 1. cap. 15.

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ment of the Learned. This Man, for his evil government, and especially for Tyranny used towards two Nephews of his, was deposed of his Kingdom by a publick Act of Parliament in the Town of *Validolid*, after he had Reigned 30 years; and his Son *Don Sancho* the *4th* was Crown'd in his place, who for his valiant Acts was Sirnam'd *El Bravo*, and it turn'd to the great commodity of the Commonwealth.

Garib. lib. 14. cap. 40, & 41.

The same Country of *Spain* some years after, about the year of *Christ* 1368, having to their King one *Don Pedro*, Sirnamed the *Cruel*, who for his injurious Proceedings with his Subjects, they deposed, and sent for his Bastard Brother out of *France*, and made him King. And thô *Edward*, Sirnamed the *Black Prince*, by order of his Father *Edward* the *3d* of *England*, restored the said *Peter* again; yet it was not durable, for that *Henry* having the favour of the *Spaniards*, return'd and depriv'd *Peter* the second time, and slew him in fight hand to hand, who proved an excellent Prince, and for his great nobility in Conversation, and prowess in Chivalry, was called *El Cavalero*, the *Knightly King*, and for his exceeding benignity and liberality was Sirnam'd also *El delas Mercedes*, *i.e.* the *King who gave many Gifts*, or the *liberal*, *frank*, and *bountiful King*; which was a great alteration from King *Peter* the *Cruel*, his Predecessor.

In *Portugal* also, before I go out of *Spain*, I will alledge one Example more, which is of *Don Sancho* the *2d*, fourth King of *Portugal*, lawful Son to *Don Alonso* Sirnam'd *El Gardo*, *3d* King of *Portugal*. This *Don Sancho* (after he had Reigned 34 years) was deprived for his defects in Government, by the universal Consent of all *Portugal*; and this approved by a general Council in *Lions*; and *Don Alonso*, third Brother to the said

Garib. lib. 4. hist. *Port.* cap. 19.

Don

Don Sancho, ſucceeded; who enjoy'd the Kingdom of *Portugal* proſperouſly and peaceably all the days of his life, and he was a notable King; who among other great Exploits ſet *Portugal* free from all ſubjection, dependance and homage to the Kingdom of *Caſtile*, which unto his time it had acknowledged, and he left for his Succeſſor his Son and Heir, *Don Dionyſio el Fabricador*, that is, the *Great Builder*, for he built and founded above 44 great Towns in *Portugal*, and was a very excellent Prince. *Garib.* hiſt. *Port.* lib. 34. cap. 20.

In *Polonia*, *Henry* the 3*d*, who was King of *France*, thô before Sworn King of *Poland*, of which Crown he was deprived by publick Act of Parliament, for departing thence without Licence, and not returning at his day, by the State appointed and denounced, by publick Letters of peremptory Commandment. This was a clear Abdication, and the ſaid State proceeded againſt him much after the ſame manner, as ours did againſt the late King *James*. Vide *Gagnen.* part. 1.

In *Denmark*, *Ciſternus* their lawful King, if we reſpect his deſcent in Blood, being Son to King *John*, who Reigned before him, and Crown'd in his Fathers life, was depoſed for his intolerable Cruelty, and driven into Baniſhment, together with his Wife and three Children, which were all diſinherited and his Uncle *Frederick*, Prince of *Holſatia* was choſen King; and *Ciſternus*, thô he married the Siſter of *Charles* the 5*th* Emperour of *Germany*, and was Related alſo to *Henry* the 8*th* of *England*; yet he could never prevail to be reſtored, but paſt his time miſerably, partly in Baniſhment, and partly in Priſon, till he died.

Now I think it convenient to end this ſhort Narration with an Example or two out of *England* being I have not read of more remarkable Accidents concerning

cerning this Point, than in the Hiſtory of this Kingdom: But for brevities ſake, I ſhall content my ſelf with three or four Examples which hapned ſince the Conqueſt, thô I may well look higher, as appears by the deprivation of King *Edwin* and others.

Now I might inſtance King *John*, who the States had deprived, firſt at *Canterbury* and after at *London*, in the 18*th* year of his Reign; but being he was in actual War with the Barons, and had a conſiderable Party to eſpouſe his Quarrel, and not being deprived by Parliament I ſhall therefore paſs it by, not accounting it ſo compleat a Depoſition, as that of *Edward* the Seconds was, it being done by Act of Parliament aſſembled in *London* in the year 1326, and his Body adjudg'd to perpetual Impriſonment, he being Priſoner at that time in the Caſtle of *Wallingford*, whether divers (both Biſhops, Lords and Commoners) were ſent to him, to denounce the Sentence of the Realm againſt him, *viz.* how they had deprived him, and choſen *Edward* his Son in his ſtead: For which act of chuſing his Son he thank'd them heartily, and with many Tears acknowledg'd his own unworthineſs. Whereupon he was degraded; his name of *King* firſt taken from him, and he appointed to be call'd *Edward* of *Carnarvan*; and then his *Crown* and *Ring* were taken away, and the Steward of his Houſe brake the Staff of his Office in his preſence, and diſcharged his Servants of their Services, and all other People were diſcharged of their Obedience and Allegiance to him; and towards his Maintenance he had only 100 Marks a year allowed for his Expences, and then he was delivered into the hands of particular Keepers, who led him Priſoner from thence to many other places, uſing him with extreme Indignity

Polydor. lib. 18.

Stow in the Life of *Edw.* the 2d.

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in the way, until at last they took away his Life in *Berkley* Castle, and his Son *Edward* the 2*d* Reign'd in his stead; who (if we respect either Valour, Prowess, length of Reign, acts of Chivalry, or the multitude of famous Princes his Children left behind him) was one of the noblest Kings that ever *England* had.

After him succeeded *Richard* the 2*d*, Son and Heir to the renowned Black Prince of *Wales*; who forgetting the miserable end of his Great Grandfather for evil Government, and the felicity of his Grandfather for the contrary, suffered himself to be abus'd and misled by evil Counsellors, to the great prejudice and disquiet of the Realm: For which cause (after he had Reigned 22 years) he was also depos'd by Act of Parliament held at *London* 1399, and condemn'd to perpetual Imprisonment in the Castle of *Pomfret*, where he was soon after put to death, as the other before had been; in whose place (by free Election) was chosen the Noble *Henry* Duke of *Lancaster*, who prov'd a notable King, and was Father to *Henry* the 5*th*, commonly call'd the *Alexander* of *England*; for as *Alexander* the *Great* conquered most part of *Asia* in the space of 9 or 10 years, so did this *Henry* conquer *France* in less time.

I may also reckon in the number of Princes depriv'd for defect in Government (thô otherwise of no ill life) *Henry* the 6*th*, who after 40 years Reign was deposed and imprisoned by *Edward* the 4*th* of the House of *York*; and the same was confirm'd by the Commons, and especially by the People of *London*, and also by publick Act of Parliament; not only in respect of the Title which King *Edward* pretended, but also by reason that King *Henry* suffered himself to be over rul'd by the Queen his Wife, and had broken the Articles of Agreement made by the Parlia-

ment, between him and the Duke of *York*, and ſolemnly ſworn on both ſides; in puniſhment whereof, and of his other negligent and evil Government, Sentence was given againſt him, and *Edward* the *4th* elected in his place, who was an excellent Prince.

But after this there fell another Accident much more notorious, which was, That *Richard* Duke of *Glouceſter*, this King *Edward*'s Brother, did put to death his two Nephews, and made himſelf King; and thô he acted very barbarouſly by taking the Crown in this wicked manner, yet when his Nephews were once dead, he might reaſonably ſeem to be lawful King, both in reſpect that he was next Male after his Brother; as alſo, becauſe his Title was authoriz'd and made good by many Acts of Parliament, both before and after the deaths of thoſe Infants; and yet (I think) no man will ſay but that *Henry* of *Richmond* had very good reaſon to come out of *France*, being Called and Invited by the People of *England* to revenge the Cruelties and Arbitrary things done by *Richard* the *3d*; and that his undertaking was no leſs ſucceſsful than generous, and obtain'd the Crown for his pains, after that *Richard* had died in the Field, and became King by the name of *Henry* the *7th*; and no man (I ſuppoſe) will deny him to have been a true and lawful King. And moreover, as I ſaid before, I would have you conſider in all theſe mutations, what Kings always ſucceeded in the places of ſuch as have been depos'd, as namely in *England*, in the place of thoſe Five Kings before-mentioned *viz. John*, *Edward* the *2d*, *Richard* the *2d*, *Henry* the *6th*, and *Richard* the *3d*, there have ſucceeded three *Henries*, the *3d*, *4th*, and *7th*, and 2 *Edwards*, the *3d* and *4th* ſome of them moſt rare and valiant Princes, who have done many important Acts in their Commonwealth; and among others

others have raiſed many Houſes to the Nobility, put down others, changed States both abroad and at home, diſtributed Eccleſiaſtical Dignities, altered the courſe of Deſcent in the Royal Blood, and the like; all which was unjuſt, and is void at this day, if the Changes and Deprivations of the former Princes were not lawful; and conſequently King *James* the 6th of *Scotland*, nor any of his Deſcendents, had Title to this Crown, becauſe they deſcend from thoſe Kings who were elected in place of the deprived. And this I take to be a ſufficient proof, *That lawful Kings have many times been lawfully depoſed by the States of the Kingdom, for Miſgovernment.*

Now I ſuppoſe it will be readily granted, That this ample Authority has been actually exerciſed by the aforeſaid Commonwealths againſt their evil Princes: but yet many perhaps will ask *Quo jure*, by what Law or Right? I anſwer, By all Laws both Divine and Human: *Divine*, by that Form of Government which every Kingdom doth chuſe unto it ſelf, as alſo the Conditions, Statutes and Limitations which it ſhall appoint to their Princes, as largely before hath been declared: And by *Human Law* alſo; being all Law, both Natural, National and Poſitive declares, That Princes are obliged to govern by Law and Order: For if they ſhould be bound to no Rules of Juſtice, but muſt be obeyed, be their Commands never ſo illegal and wicked, then is the end of all Royal Government and Authority utterly defeated and uſeleſs; then may we ſubmit to all the Injuſtice and Arbitrary Commands that can be given to publick Murderers, Raviſhers, Thieves and Spoilers, to devour us; for ſuch indeed are they who follow no Law, but Paſſion and Senſuality, committing Injuſtice by their publick Authority.

And finally, (which is the chiefeſt Reaſon of all, and the very ground and foundation of all Kingly Authority among Chriſtians) the Power and Authority which the Prince hath from the Commonwealth is not abſolute, but a Power delegate, or Power of Truſt delegated by Commiſſion from the People, which is given with ſuch Reſtrictions, Limitations and Conditions, even with ſuch plain Promiſes and Oaths of both parties, (I mean between the King and People at the day of Admiſſion or Coronation) as if the ſame be not kept, but wilfully broken on either part, then is the other not bound to obſerve his Promiſe, tho' never ſo ſolemnly made or ſworn; for that in all Bargains, Agreements and Contracts, where each part is mutually and reciprocally bound to the other, by Oath, Vow or Condition, there if one party break his Promiſe, the other is not obliged to perform. And this is ſo evident by all Law, both of Nature and Nations, and ſo conformable to all Reaſon and Equity, that it's inſerted among the very Rules of both the Civil and Law of Nations, where it's ſaid, *Fruſtra fidem ſibi quis poſtulat ſervari ab eo, cui fidem & ſe præſtitam ſervare recuſat*; He doth in vain require a Promiſe to be kept to him by another, to whom he refuſeth to perform that which himſelf promiſed. And again, *Non aſtringitur quis Juramento adimplendum, quod juravit, ſi ab alia parte non impletur, cujus reſpectu præbuit Juramentum*; A man is not bound to perform that which by Oath he promiſed, if on the other part that be not performed, in reſpect whereof his Oath was made. As for Example, If two ſhould ſwear to aſſiſt each other upon the way in all reſpects, and after falling upon Enemies who were Relations or Friends to one of them, and he ſhould take their part againſt his Companion, its clear that the other was not bound to keep his Oath to that Man, that had ſo wickedly broken his to him: Nay, not only in this caſe, that is ſo evident by Nature it ſelf, but in many others alſo, it is both lawful, honeſt and convenient, to leave ſometimes the performance of our Oath, when by fulfilling it, there would accrue any notable Inconveniences againſt Religion, Piety, Juſtice, Honeſty, or the weal-publick, or againſt the party himſelf to whom

it

it was made. As if one had ſworn to reſtore a Sword to a mad or furious Man, wherewith it were likely he would deſtroy himſelf or others; and ſuch like caſes, which *Cicero* ſets down in his firſt *Book of Offices*, and deduces them from the very ground of Nature, and Reaſon it ſelf, and ſays, that it were againſt the duty of a good or honeſt Man, in ſuch caſes to perform his Promiſe. Our Divines alſo do alledge the Example of *Herod*, who had ſworn to the Daughter of *Herodias*, to give her what ſhe demanded, who demanded the Head of S. *John Baptiſt*, thô *Herod* was ſorry for it; yet ſaith the Text, *For his Oaths ſake he commanded it to be performed*; which yet no man will deny, but that it had been far better left unperformed, according to the Rule of Law, *In malis promiſſis fidem non expedit obſervare*, It is not expedient to keep our Oath when unlawfully made. And in the ſecond Part of the *Decretal* there's alledged this Sentence out of *Iſidorus*, and eſtabliſh'd for Law, *In malis promiſſis reſcinde fidem, in turpi voto muta decretum, impia enim promiſſio quæ ſcelere impletur*; In evil Promiſes perform not your word, in an unlawful Vow or Oath change your determination; for its an impious Promiſe that cannot be fulfill'd, but with Wickedneſs. So as nothing is more largely handled both in the Civil and Canon Law, than this matter of Promiſes, how and when, and in what caſe they hold or bind, and when not.

All which to apply to our matter of Kings; We are to underſtand that two evident Caſes are touched here, when a Subjects Oath or Promiſe of Obedience may be left unperform'd to his Prince: The firſt, when the Prince obſerves not the Promiſe or Oath made to the Commonwealth at his Admiſſion or Coronation; the ſecond, when it ſhould turn to the great damage of the Weal-publick, (for whoſe ſake only good Princes were ordain'd, as often before hath been ſaid and proved) if the Subject ſhould keep his Promiſe and Oath made unto him. For if in my Opinion he is an Enemy to the Truth, and that his Religion obliges him in Conſcience to deſtroy and extirpate all that are not of it, I ſhall act againſt my Conſcience and ſin damnably in the ſight of God, if I do not endeavour

to

to render him incapable of destroying others that are not of his own erroneous Opinion, and of bringing them to perdition, wherein I am perswaded he remains. This Doctrin is founded upon the discourse of S. *Paul* to the *Romans* and *Corinthians*, against such Christians as were invited to the Banquets and Tables of *Gentiles*, and finding Meats offered to Idols (which they esteemed unlawful to eat) did yet eat the same against their own Judgment and Conscience, which the Apostle saith was a *damnable Sin*; not because the thing it self was evil or unlawful, but because they judg'd it so and yet did it.

And now to apply all this to our present purpose, I affirm and hold, That for any man to give his help, consent or assistance to the making or upholding of a King, whom he believes to be of a wrong Religion, and obliged to root out and extirpate those he thinks Hereticks, and who consequently will endeavour all he can to promote it and ruin ours, our Liberties, Properties, and what else is valuable to us, is a most grievous and damnable Sin. For if S. *Paul* has plainly and absolutely pronounc'd in the place before alledged, that even in eating a piece of Meat, that its damnable for a man to discern and yet eat: What may we think will it be in so great and important a matter as the making of a King is, for a man to dissemble or act against his own Conscience or Judgment? that is to say, to discern and judge that he's a declared Enemy of our Religion, and obliged to destroy the Professors of it; and yet to further or uphold his Authority and Government over Protestants, where he may be able to ruin or pervert many, and to obstruct all Honour and true Worship due to God? and whether he does this or not, yet I shall be guilty of it all; for that knowing and perswading my self, that he is like or disposed to do it by the Principles of his Religion, yet for fear, flattery, carelesness, emulation against others, vain pretence of Title, want of Zeal to Gods true Religion and Worship, or for such other passions or temporal respects, I favour or further his Pretences, or do not resist him when it's in my power, by which I do justly make my self guilty of all the Evils, Miseries and Calamities both Temporal and Spiritual,

which afterwards by his evil Government do, or may enſue; for that I knowing him to be ſuch an one, did notwithſtanding aſſiſt his promotion. And thus much for matter of Conſcience.

But if we reſpect Reaſon of State alſo and Worldly Policy, it muſt be great folly and overſight for a man to promote to a Kingdom, in which he muſt live, one of ſo pernicious and deſtructive Religion to himſelf; for let the Bargains and Agreements be what they will, and fair Promiſes and vain Hopes never ſo great, yet ſeeing the Prince once made and ſetled, muſt needs proceed according to the Principles of that Religion, and conſequently muſt ſoon break with the other Party, thô before he loved him never ſo well, (which perhaps is very hard, if not impoſſible, for two of ſo oppoſite Religions to love ſincerely;) but if it were ſo, many ſuſpicions, accuſations, calumniations and other averſions muſt needs light on the Party, who is of ſo oppoſite and different Religion from his King, as not only he cannot be capable of ſuch preferments and honours which he may deſire and deſerve in his Country, but alſo he ſhall be in continual danger, and ſubject to a thouſand Moleſtations and Injuries, always incident to thoſe men who are not currant with the courſe of their Prince in matters of Religion: Which to remedy, they muſt either diſſemble deeply, and againſt their own Conſcience pretend to favour and forward the Deſigns of the Government, how pernicious ſoever they may be to the welfare of the Kingdom; or elſe to avoid this ſlaviſh diſſimulation, they muſt wave all the temporal Commodities of this life, and leave the benefits which their Country might afford them, and live Exiles in a forein Kingdom; which has been the fate of many brave Men in our time: So as of all the diſabilities which ſerve to exclude or remove a Prince, the adhering to ſo deſtructive and pernicious a Religion as *Popery* is, is the principle, and ought to be the firſt and chiefeſt thing conſider'd by the Commonwealth; eſpecially he being of that Religion which denies all charity, peace, happineſs, or ſecurity of Life or Property to ſuch as are not of its Communion; whoſe growth and increaſe the State hath

always

[illegible] Laws imaginable for our preservation [illegible]cious a Doctrine, which notwithstanding [illegible]less and ineffectual for our security, when [illegible] *James*, a profest Papist, was admitted to [illegible], who with one breath suspended and annull'd [illegible] Laws of the Reformation. And tho we have been [illegible] of great oversight and failure, and been wanting to [illegible] security and support of the true Protestant Religion, when he was but Heir apparent, and (as I said before) a Spouse betrothed only, and not married to the Commonwealth; yet (to pursue the Allegory) we have made as good reparation, as such an oversight could permit, by divorcing him, and taking a new Husband of our Perswasion.

Now *S. Paul* to the *Corinthians* determines plainly, That if two Gentils married together in their Gentility (which none can deny to be a true Marriage, for so much as concerns the Civil Contract) and after one is made a Christian, the other will not live with him or her; or if he do, not without blaspheming God and temptation to Sin: In this case (I say) the Apostle teacheth and out of him the Canon Law decrees, that this is sufficient to break and dissolve utterly this Heathen Marriage, and that the Christian may marry again, and this only for want of Religion in the other party, which being so in an actual Marriage, which is so much favoured by Christ, when he said, *Whom God hath joyned, let no man separate*; it is much clearer in this Metaphorical Marriage of a King to the Commonwealth, which may be dissolved for many more Reasons, and with infinite less danger of incurring Gods Anger than the former: So that I hope all ingenuous Readers who peruse this Treatise, and throughly weigh and consider the Examples and Arguments herein mentioned, will think themselves free from all obligations of Duty or Allegiance to the late King *James*, being his Authority is expired, to which Allegiance was inseparably incident, and seated in the Royal Persons of *William* and *Mary* our most renowned King and Queen, whom we are bound to obey without the least scruple.

F I N I S.